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GEORGII IV. REGIS.

Cap. xxvi.

An Act for lighting, watching, and otherwise improving the Town of *Stalybridge* in the Counties Palatine of *Lancaster* and *Chester*, and for regulating the Police thereof; and for establishing and regulating a Market, and erecting a Market Place, within the said Town.
[9th May 1828.]

WHEREAS the Town or Place of *Stalybridge* in the Counties Palatine of *Lancaster* and *Chester* is a Place of considerable Trade and Manufacture, and in the Vicinity of and immediate Connection with very populous Districts of the said Counties Palatine, and the West Riding of the County of *York*, and hath of late much increased in Population: And whereas it would be of great Convenience to the Inhabitants of the said Town, and to the Public, if the Streets, Lanes, Roads, Passages, and other public Places in the said Town were effectually lighted and watched, and if Regulations were established for cleansing, paving, repairing, and otherwise improving the same, and for removing and preventing Nuisances and Annoyances therein, and for the better ordering and establishing the Police of the said Town: And whereas for many Years past weekly Markets have been and continue to be holden in the said Town, which Markets are held in the public Streets and Highways and upon the Foot Pavements, to the great Annoyance, Inconvenience,
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and Danger, as well of the Inhabitants of the said Town, and Persons resorting to and attending the said Markets, as also to Persons travelling through and coming and going to and from the said Town: And whereas it is greatly important that such Markets should be holden under proper Rules and Regulations; and it would be a great Convenience and Accommodation to the Inhabitants of the said Town, and others, if the Stalls and Standings used upon the Market Days, and the Markets now holden in the public Streets and Highways and upon the Foot Pavements, were removed, and a Market Place or Market Places, with proper and sufficient Offices and other Works and Conveniences, and proper and suitable Ways, Roads, and Approaches thereto, were built, erected, and made within and for the said Town, and if good and sufficient Buildings, Stalls, Standings, and other Accommodations were erected, built, and provided within such Market Places; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament:; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Twenty-one Persons, to be elected and chosen in manner herein-after mentioned, shall be the Commissioners for carrying this Act into Execution.

Commissioners to be elected.

Qualifications of Commissioners.

II. And be it further enacted, That no Person shall be elected and chosen a Commissioner, or qualified to act as a Commissioner, for carrying this Act into Execution, unless he shall be an Occupier of or Owner, either in his own Right or in the Right of his Wife, and in the actual Possession or Enjoyment or Receipt of the Rents and Profits of any House or Houses, Warehouse or Warehouses, Manufactory or Manufactories, or other Building or Buildings, or Lands or other Tenements or Property (rateable under this Act), within the said Town, of the clear yearly Rent or Value of Fifty Pounds at the least, and which shall be actually rated as of the clear yearly Rent or Value of Fifty Pounds at the least in One or both of the Rates to be from Time to Time made under the Authority of this Act; nor shall any Person be qualified to act as a Commissioner in the Execution of this Act during the Time he shall hold any Office or Place of Profit under the Commissioners appointed for executing this Act, or in any Case wherein he shall be personally or beneficially interested, directly or indirectly, in any Manner whatsoever, (except as a Creditor on the Rates or Assessments to be levied or raised by virtue of this Act,) or who shall be concerned or interested, either directly or indirectly, in any Contract or Bargain for furnishing, supplying, or selling any Article, Matter, or Thing to be employed or made use of for the several Purposes of this Act, or who shall sell Ale, Wine, Cider, or any Spirituous Liquors by Retail, or who is or shall be a Victualler, or who shall cease to be the Owner or Occupier of any Messuage or Dwelling House, Warehouse, Manufactory, or other Building or Buildings, or other Property rateable under this Act, within the said Town, of the yearly Rent or Value aforesaid: Provided always, that such of the said Commissioners as are or shall be Members of the *Ashton-under-Lyne Gas and Waterworks Company*, incorporated by an Act passed in the Sixth Year of the Reign of His present Majesty,

intituled *An Act for lighting with Gas the Town of Ashton-under-Lyne, and the Neighbourhood thereof, in the County Palatine of Lancaster, and the Township of Dukinfield in the County Palatine of Chester, and for supplying with Water the said Town of Ashton-under-Lyne, and the Neighbourhood thereof*, shall not be disqualified from acting as Commissioners in the Execution of this Act, by reason of any Contract being entered into between the Commissioners for executing this Act and the said *Ashton-under-Lyne Gas and Waterworks Company*; but such of the said Commissioners as are Members of the said Company shall not vote in any Question in which the said Company may be interested: Provided also; that such of the said Commissioners as are Justices of the Peace may act as Justices of the Peace in the Execution of this Act.

Commissioners being Justices may act as such.

III. And be it further enacted, That every Male Person of the Age of Twenty-one Years and upwards, being an Occupier of or Owner, either in his own Right or in the Right of his Wife, and in the actual Possession or Enjoyment or Receipt of the Rents and Profits of any House or Houses, Warehouse or Warehouses, Manufactory or Manufactories, or other Building or Buildings, or Lands or other Tenements or Property within the said Town, rateable under this Act, and which shall be actually rated in One or both of the Rates to be from Time to Time made under the Authority of this Act, shall be entitled to vote at Elections of Commissioners for carrying this Act into Execution.

Qualifications of Electors of Commissioners.

IV. And be it further enacted, That it shall be lawful for the several Persons qualified in manner aforesaid to vote for the Election of the said Commissioners to assemble and meet together at the House known by the Name or Sign of the *White Hart*, or at some other convenient House or Place in the said Town, upon the Sixth *Wednesday* next after the passing of this Act, at the Hour of Eleven in the Forenoon, and after appointing a Chairman of such Meeting, (who shall have a second or casting Vote upon every Question where there shall be an equal Number of Votes, including the Chairman's first Vote,) then and there forthwith to elect and choose Twenty-one Persons to be the Commissioners for carrying this Act into Execution; and afterwards on the First *Wednesday* in the Month of *May* in the Year of our Lord One thousand eight hundred and twenty-nine, and on the First *Wednesday* in the Month of *May* which will be in every following or succeeding Year, to assemble and meet together at the said House, or at such other convenient House or Place in the said Town as the acting Commissioners for the Time being shall from Time to Time, by Notice given in the Manner prescribed by this Act for the giving of public Notices, direct or appoint, and in manner aforesaid elect and choose Twenty-one Persons to be Commissioners for carrying this Act into Execution; and all Persons elected and chosen Commissioners in manner aforesaid shall continue in Office until the First Meeting shall be held of other Commissioners to be chosen in their Places.

Election of Commissioners.

V. And be it further enacted, That in case any of the Commissioners to be elected and chosen for carrying this Act into Execution shall

For supplying Vacancies.

shall die or resign, or become incapable or refuse to act, or become bankrupt or insolvent, or shall neglect to attend for Six Calendar Months at any Meetings to be held in pursuance of this Act, or shall cease to be qualified in manner aforesaid; then and in any of the said Cases the Place and Places of such Commissioner or Commissioners is and are hereby declared to be vacant; and the Commissioners for carrying this Act into Execution, or any Five or more of them, shall, within Fourteen Days next after such Vacancy shall be ascertained, call and give Notice of a Meeting of the Persons qualified to vote for Commissioners as aforesaid, to be held at some convenient Place within the said Town within Twenty-one Days next after the Issuing and Publication of the same Notice; and the Persons assembled at such last-mentioned Meeting, and being qualified to vote as aforesaid, shall forthwith elect and choose a fit and proper Person or Persons to be a Commissioner or Commissioners for carrying this Act into Execution, in the Place or Stead of every Commissioner who shall die or resign, or become incapable or refuse to act, or become bankrupt or insolvent, or neglect to attend, or shall cease to be qualified to act in manner aforesaid; and such Person and Persons so appointed as aforesaid shall be a Commissioner or Commissioners for and during so long a Time only as the Person or Persons in whose Place or Stead he or they shall have been so appointed would have continued in Office if he or they had not died, become incapable, or refused, or neglected, or become disqualified to act as aforesaid.

Commissioners to take an Oath.

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

Oath.

‘ I do swear, [*or, being one of the People called Quakers,*
 ‘ I do solemnly affirm,] That I am Occupier of [*or, as the Case may*
 ‘ *be,* that I am truly in my own Right [*or in the Right of my Wife*]
 ‘ in the actual Possession, or Enjoyment, or Receipt of the Rents
 ‘ and Profits of,] some House or Houses, Warehouse or Warehouses,
 ‘ or other Building or Buildings, Land or Tenement, within the
 ‘ Town of *Stalybridge* in the Counties Palatine of *Lancaster* and
 ‘ *Chester*, of the clear yearly Rent or Value of Fifty Pounds at the
 ‘ least; and that I will truly, faithfully, and impartially, according
 ‘ to the best of my Skill and Judgment, execute and perform all and
 ‘ every the Powers and Authorities reposed in me by virtue of an
 ‘ Act passed in the Ninth Year of the Reign of His Majesty King
 ‘ *George* the Fourth, intituled [*here set forth the Title of this Act*].
 ‘ So help me GOD.’

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

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

VII. And

VII. And be it further enacted, That if any Person, not being duly qualified according to the Directions of this Act, or being disqualified by any of the Causes herein-before mentioned, or not having taken and subscribed the Oath as aforesaid, or, being a Quaker, not having made and subscribed such Affirmation as aforesaid, shall act as such Commissioner in the Execution of the Powers hereby given, or any of them, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be recovered on the Information or Prosecution of any Person or Persons whomsoever, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, or Court of Common Pleas at *Lancaster*, or Court of Great Session at *Chester*, 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 Imparance, shall be allowed; and every Person so sued or prosecuted by reason of not being so qualified shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person or Persons acting as a Commissioner or Commissioners in the Execution of this Act, although not duly qualified as aforesaid, previous to his or their being convicted of such Offence, shall notwithstanding such Conviction be as good, valid, and effectual as if such Person or Persons had been duly qualified to act as a Commissioner or Commissioners according to the Directions of this Act.

Penalty on Persons disqualified acting as Commissioners.

Acts of Commissioners valid till Conviction.

VIII. And be it further enacted, That the First Meeting of the Commissioners for carrying this Act into Execution, after their Election, from Time to Time shall be held at the said House in the said Town, known by the Name or Sign of the *White Hart*, or at some other convenient House or Place in the said Town, to be appointed by the Meeting at which such Commissioners shall have been elected and chosen, upon the Seventh Day next after the same Commissioners shall have been elected and chosen as herein-before mentioned and directed, at the Hour of Eleven in the Forenoon; at which Meeting, so soon as Five or more Commissioners shall have assembled, the Commissioners assembled shall elect a Chairman, and such Chairman shall take or make and subscribe, before the other of such Commissioners present at such Meeting, the Oath or Affirmation herein-before prescribed, and after he shall have so taken or made and subscribed the same, he shall and may administer the Oath or Affirmation to the other of such Commissioners present at such Meeting; and when such Chairman and any other Four or more of such Commissioners shall have so taken or made and subscribed such Oath or Affirmation, qualifying them to act as Commissioners as aforesaid, the said Commissioners, or any Five or more of them, shall and may proceed to carry this Act into Execution; and the said Commissioners present at their respective First Meetings, or at any subsequent Meeting, for the Execution of this Act, shall and may from Time to Time adjourn themselves, and appoint their next Meeting to be

Regulating First and other Meetings of Commissioners.

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holden at any future Day and Time not exceeding Three Calendar Months from the last Day of Meeting, and at the same or any other convenient House or Place within the said Town; and if at any Time and Place appointed for any Meeting there shall not be a sufficient Number of Commissioners to act, then and in such Case the Commissioners or Commissioner present, or in case no Commissioner shall attend, or in case the Commissioners assembled at any Meeting shall omit to adjourn, then and in every such Case the Clerk or Clerks to the said Commissioners shall adjourn the Meeting to some future Day, not less than Seven Days then next ensuing, of which adjourned Meeting such Clerk or Clerks shall cause Notice to be publicly given Five Days before such Meeting; and if at any Time no Adjournment, nor any Notice of an adjourned or future Meeting, shall be made or given as aforesaid, then it shall and may be lawful for any Five or more of the said Commissioners, although not assembled at a Meeting, or for the Clerk or Clerks of the said Commissioners respectively, to call a Meeting of the said Commissioners by giving such Notice as aforesaid; and all Acts, Orders, Rules, Resolutions, and Proceedings of the said Commissioners in the Execution of this Act, which shall be had, made, or done at any Meeting or Meetings to be held in pursuance of this Act, at which Five or more of the said Commissioners shall be present, and at which the Majority of such Five or more Commissioners shall concur, (and not otherwise,) shall be as valid and effectual as if all the Commissioners for executing this Act had been present at such Meeting, and had concurred therein (except such Acts, Orders, and Proceedings as are by this Act particularly directed or authorized to be executed or done by any other Number of Commissioners, or in any other Manner); and at every Meeting of the said Commissioners One of the Commissioners then and there present shall be appointed Chairman; and in all Cases where there shall arise at any Meeting a Difference of Opinion upon any Question, the Question shall be decided by a Majority of Votes of the Commissioners then present, and if upon any Question there shall be an equal Number of Votes (including the Chairman's Vote); then the Chairman shall have and give another or the casting Vote; and no Order, Rule, Resolution, or Proceeding, had, made, or done at any Meeting of the said Commissioners held in pursuance of this Act, shall be revoked, suspended, or altered, unless at some subsequent Meeting, or at some Special Meeting to be called for that Purpose, (which any Five or more of the said Commissioners, or their Clerk, at the Desire in Writing of any Five or more of the said Commissioners, are and is hereby empowered to call,) and of which subsequent Meeting or Special Meeting Ten Days previous public Notice at the 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, and unless the Number of Commissioners concurring in such proposed Revocation, Suspension, or Alteration of any Rule, Order, Resolution, or Proceeding, shall be more than Seven in Number, and no other Business shall be transacted at any such Special Meeting than what shall have been specified in such Notice as aforesaid; and at every Meeting of the said Commissioners to be held under or by virtue of this Act, the Commissioners

Quorum of Commissioners.

Chairman appointed.

No Order to be revoked unless at some subsequent Meeting, at which more than Five Commissioners shall concur.

Commissioners to pay their own Expences.

sioners present shall defray their own Expences, except any Sum, not exceeding Ten Shillings a Day, for the Use of the Room wherein they shall meet for the Purposes of this Act.

IX. And be it further enacted, That if it shall happen after the first Election of Commissioners for carrying this Act into Execution, or after any such subsequent general Election of Commissioners as is herein-before directed to take place in every following or succeeding Year, a sufficient Number of Commissioners for the Purpose of proceeding to Business shall not attend on the Day and at the Time and Place appointed for the First Meeting of such Commissioners next after such Election, then in every such Case it shall be lawful for any Five or more of the said Commissioners to appoint and convene a Meeting of the said Commissioners, and for that Purpose to give Ten Days public Notice of the Time and Place of such Meeting.

Provision in case of insufficient Attendance at the First Meeting of Commissioners after Election.

X. Provided always, and be it further enacted, That if after any Adjournment of any Meeting of the said Commissioners it shall on any Emergency be considered necessary or advisable that a Special Meeting should be appointed for an earlier Day than the Day for which any Meeting shall stand by Adjournment as aforesaid, then it shall be lawful for any Three or more of the said Commissioners, or their Clerk, at the Desire in Writing signed by any Three or more of the said Commissioners, to appoint such Special Meeting for such earlier Day, and of which Meeting and the Purpose thereof Three Days public Notice shall be given; and no other Business shall be transacted at any such Special Meeting than what shall have been specified in such Notice as aforesaid.

Meetings on Emergencies.

XI. 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 or cause to be entered in the said Book or Books the Names of at least Five of the said Commissioners who are actually present at such Meeting; and all Entries in such Book or Books, being signed as aforesaid, shall be deemed Originals, and shall be admitted in Evidence in all Courts and upon all Occasions whatsoever; and at all 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 Purposes of this Act; and any of the said Commissioners, and all and every Person and Persons rated and assessed for the Purposes of this Act, and all Creditors upon the Rates hereby authorized to be made, or any of them, shall at all seasonable Times be permitted to inspect the same *gratis*, and 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.

Proceedings to be entered in Books.

XII. 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

Commissioners may appoint and

remove
Officers, tak-
ing Security
when re-
quisite.

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

Treasurer
and Clerk not
to be the
same Person.

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

XIV. And

XIV. And be it further enacted, That if any Clerk, Treasurer, Surveyor, or Collector, or other Officer or Person employed by the said Commissioners for the Purposes of this Act, shall exact, demand, take, or accept any Fee, Emolument, or Reward whatsoever, (other than such Salary or Allowance as shall be appointed and allowed by the said Commissioners or by this Act,) for or on account of any thing done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Commissioners, or on any other Account whatsoever relative to his Employment or Duty, or shall be concerned or interested in any Bargain or Contract made by the said Commissioners for the Purposes of this Act, (unless with the Consent and Approbation of the said Commissioners,) every such Person so offending shall be incapable afterwards of serving or being employed under the said Commissioners, and shall forfeit and pay the Sum of Fifty Pounds for every such Offence to any Person or Persons who shall sue for the same, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, or Court of Common Pleas at *Lancaster*, or Court of Great Session at *Chester*, within Three Calendar Months next after the Offence committed, with full Costs of Suit, in which Suit or Prosecution no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

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

XV. 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 and for the Purposes of this Act, and how much thereof hath been paid and disbursed by Order of the said Commissioners, and for what Purposes, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Commissioners, or to such Person or Persons as they shall appoint; and if any such Officer or Person shall not make and render such Account, or produce and deliver up the Vouchers relating to the same, or make Payment as aforesaid, or shall not deliver to the said Commissioners all Books, Papers, and Writings in his Custody or Power, relating to the Execution of their respective Offices, Trusts, and Duties, or shall refuse or neglect to pay such Monies as upon the Balance of 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 to the Recovery of the Money which shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint be made by the said Commissioners, or by any Person or Persons by them appointed, of any such Neglect or Refusal, to any One Justice of the Peace for the County or Place where the

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

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Offence

Offence shall have been committed, such Justice may and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause the Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him, and upon his or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, (or, being one of the People called *Quakers*, upon Affirmation, which Oath or Affirmation such Justice is hereby empowered and required to administer,) it shall appear to such Justice that any of the Monies which shall have been collected and raised or received by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively, together with the Costs and Charges of such Distress and Sale, to be settled and ascertained by such Justice, and which he is hereby authorized and empowered to settle and ascertain, rendering the Overplus (if any) to the Party or Parties so distrained upon, or leaving the same at the Place where the Distress shall be made; and if no Goods and Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of selling the Goods and Chattels so distrained, then and in either of the Cases aforesaid such Justice shall commit every such Offender to the Common Gaol or House of Correction for the County, Hundred, or Place where such Offender or Offenders shall reside, there to remain until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners, or any Five or more of them, are hereby empowered to make,) or until he or they shall deliver up all such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person so committed shall be detained in Prison, for Want of sufficient Distress only, for a longer Space of Time than Three Calendar Months.

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

XVI. And be it further enacted, That after such Accounts shall have been delivered in by such Officer or Officers, Person or Persons, in manner aforesaid, the same shall be respectively examined, audited, and settled, and a Balance struck, by the said Commissioners on every Twenty-fourth Day of *June* from Year to Year (except the Twenty-fourth Day of *June* next after the passing of this Act); and such Accounts shall lie open at the Office of the Clerk or Clerks, Treasurer or Treasurers appointed by the said Commissioners, or such other convenient Place as the said Commissioners shall direct, for the Inspection of any Person or Persons interested in the same, without Fee or Reward, every Day (except *Sunday*) between the Hours of Ten and Four of the Clock, for the Space of Seven Days before the same shall be signed by such Commissioners; and after such Accounts shall have been signed, the same shall be final and conclusive in all respects whatsoever,

whatsoever, unless an Appeal be prosecuted against such Accounts at the then next General Quarter Sessions of the Peace in and for the County Palatine of *Lancaster*, or any Adjournment thereof, to be holden within the Hundred of *Salford* in the same County Palatine, or at the then next General Quarter Sessions of the Peace in and for the County Palatine of *Chester*, Notice of such Appeal being given in Writing to the Clerk to the said Commissioners at any Time before such Accounts shall have been signed.

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

XVIII. 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 of their Clerk or Treasurer for the Time being; and all Actions or Suits which it may be necessary to bring for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act, or for or in respect of any Act, Matter, or Thing relating to this Act, shall be brought and prosecuted in the Name of their said Clerk or Treasurer for the Time being; and no Action or Actions, Suit or Suits, or other Proceedings which may be brought, commenced, or prosecuted by or against the said Commissioners or any of them, by virtue or on account of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or either of them, or by the Act or Default of such Clerk or Treasurer, or either of them, done or suffered without the Direction or Consent of any Five or more of the said Commissioners for the Time being, but the Clerk or Treasurer of the said Commissioners for the Time being shall always be Plaintiff or Defendant (as the Case may be) in such Actions or Suits: Provided always, that every such Clerk or Treasurer in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to be raised by virtue of this Act,

Commissioners may sue and be sued in the Name of their Clerk or Treasurer.

Act, all such reasonable Costs, Charges, and Expences as he shall sustain or be put unto or become chargeable with by reason of his being so made Plaintiff or Defendant therein; and such Clerk or Treasurer shall not be personally answerable or liable for the Payment of the same or any Part thereof, unless such Action or Suit shall arise in consequence of his own Neglect or Default, and unless it shall have been brought, commenced, or defended without the Order and Direction of any Five or more of the said Commissioners assembled at a Meeting to be held under this Act.

Accounts to
be kept of
Receipts and
Disburse-
ments.

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

Directing the
Mode of
giving No-
tice.

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

Limits of the
Town.

XXI. And be it further enacted, That so much and such Parts of the Parish of *Ashton-under-Lyne* in the said County Palatine of *Lancaster*, and the Townships of *Dukinfield* and *Stayley*, both in the said County Palatine of *Chester*, as are bounded on the West by a certain Rivulet or Stream of Water called *Cock Brook*, between the Place where the same Rivulet or Stream flows or empties itself into the River *Tame*, and a Stone or Boundary Mark to be erected and fixed on the eastwardly Bank or Side of the same Rivulet or Stream of Water, Nine Yards, or thereabouts, northwardly from the Centre of the Turnpike Road leading from *Manchester* in the said County Palatine

Palatine of *Lancaster*; to *Salter's Brook* in the said County Palatine of *Chester*; on the North-west, in Part, to wit, from the aforesaid Stone or Boundary Mark to or near unto the southwardly End of a certain Dam or Reservoir of Water belonging to the Right Honourable *George Harry* Earl of *Stamford* and *Warrington*, and in Lease to the Heirs or Devisees of the late *John Chadwick* and *Edward Chadwick* respectively deceased, and in the Occupation of *John Winterbottom* and Company, and thence for the Distance of One hundred and ten Yards, or thereabouts, from the said south-eastwardly End of the said Dam or Reservoir of Water to a Stone or Boundary Mark to be erected and fixed on the Boundary Line between the Divisions of the Parish of *Ashton-under-Lyne* aforesaid, called or commonly known by the Name of *Ashton Town* or *The Town's Division*, and *Hartshead Division*, by the same Boundary Line; and in other Part, to wit, for the Distance of Nine hundred and thirteen Yards, or thereabouts, by a straight Line to be drawn from the said last-mentioned Stone or Boundary Mark, north-eastwardly to a Stone or Boundary Mark to be erected and fixed near to and on the northwardly Side of a certain Messuage called *Cockpit*, situate within the said Division of *Hartshead*; on the North-east, for the Distance of One thousand one hundred and fifteen Yards, or thereabouts, by a straight Line to be drawn from the said last-mentioned Stone or Boundary Mark, across the said River *Tame*, to a Stone or Boundary Mark to be erected and fixed on the south-eastwardly Side of the Turnpike Road leading from *Stalybridge* to *French Top* in *Saddleworth* in the West Riding of the County of *York*, Forty Yards, or thereabouts, on the north-eastwardly Side of the Turnpike or Toll Bar called the *Hartley Gate*, erected across the same Turnpike Road; on the East, for the Distance of One thousand one hundred and sixteen Yards, or thereabouts, by a straight Line to be drawn from the said last-mentioned Stone or Boundary Mark, by or past the eastwardly Side of a certain Messuage in the Township of *Staley* aforesaid, called *Stocks*, to a Stone or Boundary Mark to be erected and fixed Thirty-three Yards, or thereabouts, from the eastwardly Side of the old Line of Turnpike Road leading from *Manchester* aforesaid to *Salter's Brook* aforesaid; on the South-east, for the Distance of Four hundred and fifty-three Yards, or thereabouts, by a straight Line to be drawn from the said last-mentioned Stone or Boundary Mark, by or past the south-eastwardly Side of a certain Messuage in the Township of *Staley* aforesaid, called *Ashes*, to a Stone or Boundary Mark to be erected and fixed near to and on the southwardly Side of a certain Messuage in *Staley* aforesaid, called *Bower-fold*, Twenty-four Yards, or thereabouts, from the south-westwardly Side of the present Line of the said Turnpike Road leading from *Manchester* aforesaid to *Salter's Brook* aforesaid; on the South, for the Distance of Two thousand two hundred and eleven Yards, or thereabouts, by a straight Line to be drawn from the said last-mentioned Stone or Boundary Mark, by or past the southwardly Side of a certain Messuage in the Township of *Dukinfield* aforesaid, called *Hollins*, to a Stone or Boundary Mark to be erected and fixed Ninety Yards, or thereabouts, southwardly of the common Highway leading from the said Town of *Stalybridge* to *Newton* in the said County Palatine of *Chester*; on the West, for the

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Distance

Distance of Four hundred and forty Yards, or thereabouts, by a straight Line to be drawn from the said last-mentioned Stone or Boundary Mark, across the said River *Tame*, to a Stone or Boundary Mark to be erected and fixed on the north-eastwardly Bank of the same River, on the Boundary Line between the said Counties Palatine of *Lancaster* and *Chester*; on the South-west, for the Distance of One hundred and eighty-five Yards, or thereabouts, from the said last-mentioned Stone or Boundary Mark to a Stone or Boundary Mark to be erected and fixed on the north-eastwardly Bank of the said River *Tame*, where the said Boundary Line between the said Counties Palatine crosses the same River, by the said Boundary Line; and on the West, from the said last-mentioned Stone or Boundary Mark to the said Rivulet or Stream of Water called *Cock Brook*, where the same Rivulet or Stream flows or empties itself into the said River *Tame*, by the eastwardly Bank of the same River; shall for the Purposes of this Act be deemed and taken to be the Town of *Stalybridge*; and the Limits or Boundaries aforesaid shall be deemed and taken to all Intents and Purposes to be the Limits and Boundaries of the said Town, for the Purposes of this Act, any Law, Usage, or Custom to the contrary in anywise notwithstanding; and from and after the passing of this Act such Part of the said Parish of *Ashton-under-Lyne* as is included within the said Boundary shall not at any Time after the passing of this Act be or be taken to be a Part of the Town of *Ashton-under-Lyne* in the said Parish of *Ashton-under-Lyne*, nor be liable to any of the Provisions contained in an Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, intituled *An Act for lighting, cleansing, watching, and otherwise improving the Town of Ashton-under-Lyne in the County Palatine of Lancaster*, any thing in the said Act, or in any Act for amending the same, contained to the contrary thereof in anywise notwithstanding; and for better defining the Limits and Boundaries of the said Town, and more easily ascertaining the same in future, the said Commissioners shall, and they are hereby authorized and required, within Six Calendar Months next after the passing of this Act, to erect and affix, or cause to be erected and affixed, the before-mentioned Stones or Boundary Marks, and such other Stones or Boundary Marks, at such convenient Distances from each other, and in such Manner, as the said Commissioners may think necessary or advisable, and from Time to Time renew and replace the same as often as they become broken, obliterated, or defaced; and also to cause a Map or Plan of the Limits and Boundaries of the said Town to be prepared by some competent Surveyor, who shall sign the same, and Two Duplicates thereof, One of which Duplicates shall be forthwith deposited with the Clerk of the Peace for the said County Palatine of *Lancaster*, and the other of the same Duplicates with the Clerk of the Peace for the said County Palatine of *Chester*, or their respective Deputies, to be kept amongst the Records of the said respective Counties, in the Custody of the Clerks of the Peace of the same respective Counties for the Time being, or their respective Deputies, to the end that Recourse may be had to the same respectively at all Times hereafter by all Persons interested, for which depositing the Sum of Twenty Shillings, and no more, shall be paid to each of the said Clerks of the Peace or their Deputies; and each of such Maps or Plans so deposited as aforesaid, or a true

Copy of either of them, under the Hand of either of the said Clerks of the Peace or their respective Deputies for the Time being, and also the said original Map or Plan, signed as herein-after is mentioned, shall be allowed and admitted as Evidence in all Courts of Law and Equity; and every such Map or Plan so deposited as aforesaid shall be from Time to Time inspected by all Persons on Payment of One Shilling to the said Clerks of the Peace respectively for such Inspection; and such Maps or Plans shall be binding and conclusive upon all Persons whomsoever, for the Purposes of this Act; and the said original Map or Plan shall be signed by any Five or more of the said Commissioners, and kept in the Public Office to be provided under this Act, and a true Copy thereof shall be fixed up in the same Office, for the free Inspection of all Persons at convenient Hours, without Fee or Reward.

XXII. 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, Roads, Highways, Lanes, Passages, and other public Places in the said Town (except such Parts of the Turnpike Roads passing through or which lie in the said Town, on both Sides whereof Messuages or Buildings are or from Time to Time shall be erected adjoining and to the Front of the same Parts of the same Roads respectively,) and all the present and future public Drains, Ditches, Sewers, Tunnels, Gutters, Grates, and Sinks within the said Town, and all the Land, Ground, and Building to be purchased, erected, or held by the said Commissioners, and all Gasometers, Apparatus, Machinery, Mains, Pipes, Lamps, Lamp Irons, Watchboxes, Posts, and other Things thereto belonging, purchased or provided for the Purpose of lighting and watching the said Town, or any Road, Way, or Passage leading into or out of the said Town; and also all the Posts, Pillars, Pilasters, Lamp Irons, and Lamps which shall from Time to Time be erected, set up, and furnished for the public Lighting of the said Town or any Part thereof, or any Road, Way, or Passage leading into or out of the said Town, either by Order of the said Commissioners, or by any Gas Light Company or other Person or Persons, in pursuance of any Contract or Contracts between the said Commissioners and such Gas Light Company or other Person or Persons, (subject nevertheless only to such Powers as in or by any such Contract or Contracts may be reserved to such Gas Light Company or other Person or Persons as aforesaid, to remove, take, and carry away, to their own Use, any of the said Posts, Pillars, Pilasters, Lamp Irons, and Lamps which may have been previously erected or furnished at their Expen-
 ce, in the Event of there being a Discontinuance of the Contracts between the said Commissioners and such Gas Light Company or other Person or Persons,) and all 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, for any of the Purposes hereof; and also the Dust, Dirt, Dung, and Ashes to be swept, gathered, or collected under the Authority of this Act,

For vesting
 Pavements,
 Lamps, &c.
 in Commis-
 sioners.

Act, shall severally and respectively be held and deemed to belong to and be the Property of, and the same are hereby vested in, the said Commissioners for the Time being; and the said Commissioners shall and may cause any Action or Actions to be brought, or direct any Bill or Bills of Indictment to be preferred (as the Case may require), against any Person or Persons who shall steal, take, or carry away, detain, deface, damage, injure, or destroy any of the aforesaid Lands, Buildings, Pavements, Roads, or the Materials thereof respectively, Drains, Sewers, Tunnels, Gutters, Gasometers, Apparatus, Machinery, and Pipes, or any of the several other Articles, Effects, Matters, and Things so hereby vested in the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment shall be preferred, is or are the Property of the Commissioners for lighting, cleansing, watching, and otherwise improving the Town of *Stalybridge* in the Counties Palatine of *Lancaster* and *Chester*; without stating or specifying the Names of all or any of the said Commissioners; and the said Commissioners shall have full Power and Authority from Time to Time to sell, by public Auction or otherwise, all or any Part of the said Materials and Things which shall not be wanted for the Purposes of this Act; and the Money arising therefrom shall be applied to the Purposes of this Act, and to no other Purpose whatsoever.

Commissioners empowered to light the Streets.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, and at any Time or Times hereafter, to purchase and provide such and so many Glass Lamps of such Sorts and Sizes, and also such and so many Lamp Irons and Lamp Posts, as they shall judge necessary, and direct the same to be set up in the Streets, Lanes, Passages, and other public Places in the said Town, or to be affixed or set up upon or against the Walls or Palisadoes of all or any of the several Houses or Buildings, or upon or against any other Walls, or in or upon such other Places within the said Town, or in or upon any Roads, Ways, or Passages leading into or out of the said Town, and to be altered, taken down, or renewed, in such Manner as they shall think fit; and to cause such Lamps, or any of them, to be lighted either with Gas, Oil, or otherwise, at such Times and Seasons of the Year, and on such Evenings, and on or at such Hours of the Evening, and to be kept burning for so many Hours as to them shall seem necessary or proper for the well and sufficiently lighting of all or any of the Streets, Squares, Market Places, Lanes, Roads, Ways, Paths, and public Passages and Places within or leading into or out of the said Town.

Power to contract for lighting.

XXIV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to contract with any Gas Light Company now or hereafter to be established within the said Town or the Neighbourhood thereof, or with any other Person or Persons, Body or Bodies Politic or Corporate, for lighting the said Town with Gas, Oil, or otherwise, upon such Terms and Conditions
in

in all respects as the said Commissioners shall from Time to Time think proper.

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

Commissioners may erect Gas Works themselves.

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

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

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

Service Pipes to be kept fully charged with Gas.

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with

with Gas, and the Stopcocks shall be so turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

For prevent-
ing the
Escape of
Gas.

XXVIII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Commissioners, or by any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or any other Person or Persons whomsoever making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall, immediately after Notice given to them or him, by Parol or in Writing, of any such Escape of Gas, from any Inhabitant or Inhabitants within the said Limits, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Commissioners, or the Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours next after such Notice given, effectually stop and prevent any future Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said acting Commissioners, or the Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each Day, after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid.

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

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

down the said Gas Pipes, the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall then in such Trench, and not before, properly form and complete, with proper and sufficient Materials, the Joining with the other Pipe or Pipes to be connected therewith; and shall also make and keep air-tight all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, and in all and every respect prevent the said Gas from escaping therefrom, or from any Part thereof, upon pain of forfeiting for every Default the Sum of Fifty Pounds.

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

Commissioners, &c. to prevent Contamination of Water.

Twenty-

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

For ascer-
taining if the
Water is
contamina-
ted.

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

Conduits, and Apparatus of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by the Gas of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate; or other Person or Persons as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, then and in such Case the said Company, or other the Owners or Proprietors of any Waterworks, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement of the said Streets so broken up or disturbed in such Search or Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or Justices of the Peace as aforesaid.

XXXII. Provided always, and be it further enacted, That if the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town, for lighting any Street, Highway, or other Place, or any House, Manufactory, or other Building therein, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever, which shall arise or be made in the making of such Gas, into any River, Brook, or running Stream, Reservoir, Aqueduct, Feeder, Pond, or Springhead, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in every such Case the said Commissioners, or such Company or Companies

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

[*Local.*]

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panies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty 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 in the Court of Common Pleas at *Lancaster*, or in the Court of Great Session at *Chester*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, or more than One Imparance, shall be allowed; and such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same is sued for within Six Calendar Months next after the Time when such Annoyance, Act, and Thing shall have ceased: Provided also, that in addition to the said Penalty of Two hundred Pounds, (and whether such Penalty shall or shall not be recovered,) in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead; or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever to the said Commissioners, or any of them, or to the Company or Companies of Proprietors, or any of them, or to the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, and the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours after such Notice given, stop and prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be so drained, conducted, or conveyed, or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act done or committed.

Act not to protect Commissioners or other Persons lighting with Gas from being indicted for a Nuisance:

XXXIII. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend or be construed to extend to protect the said Commissioners, or any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or any Person or Persons, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town, for lighting any Street, Highway, or other Place, or any House, Manufactory, or other Building therein, or any of the Servants or Officers or Workmen of the

the said Commissioners, or of any such Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, from any Indictment or Prosecution for a public or private Nuisance in respect of any Works, or the Means which shall be employed by them in making the said Gas, or using the same, or furnishing any such Gas Light, nor from any Action or Actions for any Injury or Damage sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of the same Gas, or the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

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

Penalty on
damaging
Pipes.

XXXV. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break, throw down, or otherwise deface or damage any Lamp or Lamps that shall be set up by virtue of this Act, by Order of the said Commissioners, or in pursuance of any Contract made by the said Commissioners, or by any Person or Persons at his, her, or their own Expence, for the Purpose of lighting any Part of the said Town, or any Road, Way, or public Passage leading into or out of the said Town, or any Post, Pillar, Pilaster, Lamp Iron, Cover, or other Furniture thereof, or shall wilfully extinguish the Light or Lights of any such Lamp or Lamps, it shall be lawful for any Justice or Justices of the Peace for the County where the Offence shall be committed, and he and they is and are hereby required, upon Oath made (or upon Affirmation, if made by a Quaker,) of the Commission of such Offence, to issue a Warrant for apprehending the

Penalty for
wilfully
breaking of
Lamps, &c.

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

Satisfaction to be made for Lamps broken accidentally.

XXXVI. And be it further enacted, That if any Person or Persons shall carelessly or accidentally break, throw down, or damage any of the said Lamps already or hereafter to be hung or set up as aforesaid, or the Irons or other Furniture thereof, and shall not immediately, upon Demand, make Satisfaction for the Damage done thereto, then and in every such Case it shall be lawful for any One or more of the Justices of the Peace for the County or Place where such Offence shall be committed, upon Complaint thereof to him or them made by One or more credible Person or Persons, to summon before such Justice or Justices the Party or Parties who shall be complained of for doing such Damage as aforesaid, and upon hearing the Allegations and Proofs on both Sides, or Nonappearance of the Party or Parties so complained of, to award such Sum or Sums of Money as the Damage to be proved shall amount unto; and in case of Refusal or Neglect to pay any of the Sums of Money so awarded, within Five Days next 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.

Commissioners may appoint Constables and Assistant Constables.

XXXVII. And be it further enacted, That it shall be lawful for the said Commissioners, in their Discretion, to nominate and appoint One or more Constable or Constables for the said Town, for promoting the good Order thereof, and also from Time to Time to appoint a competent Number of able-bodied Men as Assistant Constables of the said Town in keeping the Peace therein, and for executing all such Warrants, Precepts, and Orders as the Justices of the Peace acting for the said Counties Palatine of *Lancaster* and *Chester*, or either of them, shall from Time to Time direct to them to

to be executed within the said Town, and from Time to Time to discharge and replace such Constable or Constables and Assistant Constables, or any of them, and make other Nominations and Appointments, and pay such Salary and Salaries, Wages, and Remuneration, for the due Execution of the Duty they are required to perform, as the said Commissioners shall see fit.

XXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered and required, from Time to Time, when and as often as they shall think it expedient, to provide, erect, and set up, and afterwards keep in good Repair and Condition, or cause to be provided, erected, and set up, and afterwards kept in good Repair and Condition, such and so many Watch-houses and Watchboxes, in such Situations as they shall judge proper and expedient, in any of the Streets, Lanes, Highways, Passages, or other public Places of the said Town; and to appoint and employ such and so many Watchmen and Night Patrols, and such and so many Superintendents of such Watchmen and Night Patrols, and such and so many Beadles, as well for the Day as Night, as they shall judge expedient and necessary for the Security and good Order of the said Town, and such Watchmen, Night Patrols, and Beadles, from Time to Time remove and displace, and to appoint others in their Stead; and also to order and direct how many of the said Watchmen, Night Patrols, and Beadles shall attend nightly within the said Town, or on any Road, Way, or Passage leading into or out of the said Town, and how such Watchmen, Night Patrols, and Beadles shall be armed, and at what Stations they shall be placed, for what Number of Hours they shall watch, and how often they shall go their Rounds; and to make such further Orders and Regulations from Time to Time, for the better Government and Direction of the said Watchmen, Night Patrols, and Beadles, as they shall from Time to Time think proper.

Power to erect Watch-houses, and to appoint Watchmen, Beadles, &c.

XXXIX. And be it further enacted, That the said Constables, Assistant Constables, and Superintendents, and all Watchmen, Patrols, Beadles, and Market-lookers or Inspectors of Markets, to be appointed by virtue of this Act, shall be sworn in as Constables before some Justice of the Peace for the said County Palatine of *Lancaster* or for the said County Palatine of *Chester*; and such Market-lookers and Inspectors of Markets shall also be respectively sworn in like Manner for the due Execution of their Office as Market-lookers or Inspectors of Markets; and all such Deputy Constables, Assistant Constables, Watchmen, Patrols, Beadles, and Market-lookers or Inspectors of Markets, shall respectively act as such while in the Execution of the Powers and Authorities of this Act, and they are hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, and shall be subject and liable to such and the like Penalties and Forfeitures, as any Constable or Constables is or are invested with, or shall or may have and enjoy, or is or are or shall be subject or liable to by Law.

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

XL. And be it further enacted, That from and after One or more Constable or Constables for the said Town shall be so appointed and

[*Local.*]

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Discharging the Constables of the sworn

Manor of Ashton-under-Lyne, and the Townships of Dukinfield and Stayley, from Power and Authority within the Town.

sworn as aforesaid, the Powers and Authorities of the several Constables for the Manor of *Ashton-under-Lyne*, and the Townships of *Dukinfield* and *Stayley* respectively aforesaid, shall, as to the said Town, from thenceforth cease and determine; and the Inhabitants of the said Town shall from thenceforth be and they are hereby exonerated, released, and for ever discharged of and from all Costs, Charges, and Expences to be thenceforth sustained or incurred by the Constables of the Manor of *Ashton-under-Lyne*, and Townships of *Dukinfield* and *Stayley* respectively aforesaid, or any or either of them, any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

Constables to take Recognizances.

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

Power to appoint Committees for regulating Watchmen and Night Patrols.

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

Duties of Watchmen, &c.

XLIII. And be it further enacted, That the said Constables, Assistant Constables, Watchmen, Night Patrols, and Beadles shall, in their several Courses of Service, use their utmost Endeavours not only to prevent Fires, but also to keep Watch and Ward within the said Town, and to prevent Murders, Burglaries, Felonies, and other Outrages, Disorders, and Breaches of the Peace; and to that end the said Constables, Assistant Constables, Superintendents, Watchmen, Night Patrols, and Beadles respectively, shall and may and they are hereby empowered and required to arrest and apprehend all Felons, Malefactors, Vagrants, Beggars, Disturbers of the Peace, and all disorderly or suspected Persons, Prostitutes, and Night-walkers, who shall be found misbehaving or wandering within the said Town, or upon any Road, Way, or Passage leading into or out of the said Town, and to lodge them in any Place of Security within the said Town which shall be provided and appointed for that Purpose by the said Commissioners, to be there safely kept and detained until they can conveniently be carried before some Justice of the Peace, to be examined and dealt with according to Law.

XLIV. And be it further enacted, That the said Constables, Assistant Constables, Beadles, Superintendents, Watchmen, and Night Patrols shall and they are hereby required, as often in every Night as shall be ordered by the said Commissioners, to go about their respective Districts and Rounds, and observe and take notice whether all the Watchmen and Night Patrols 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 Patrol shall be found misbehaving himself or neglecting his Duty, the said Constables, Assistant Constables, Superintendents, or Beadles shall, as soon as conveniently may be, give Notice thereof to the Committee for the Time being for managing and regulating Watchmen and Night Patrols; and the said Constables, Assistant Constables, and Beadles shall also patrol the several Streets within the said Town in the Day-time, during such Hours and Times as the said Commissioners shall appoint; and apprehend and secure all Night-walkers, and all drunken, riotous, or disorderly Person and Persons found in the Streets, Highways, Footways, or public Passages or Places within the said Town, or Persons singing Ballads therein; 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, Highways, Footways, public Passages or Places within the said Town, to the Annoyance or Obstruction of Passengers or Inhabitants of the said Town, or in anywise wilfully obstructing or hindering the free Passage of any of the said Streets, Highways, Footways, public Passages or Places; Persons setting any Dogs to fight, or abetting or encouraging any Dog-fight, or by any other Means disturbing the good Order and public Peace of the said Town; and convey all such Persons before some Justice of the Peace for the said County Palatine of *Lancaster* or for the said County Palatine of *Chester* (as the Case may be); and every Person being convicted of any such Offence shall forfeit and pay any Sum not exceeding Forty Shillings.

Duty of
Beadles, &c.

XLV. And be it further enacted, That if any of the said Constables, Assistant Constables, Superintendents, Watchmen, Night Patrols, or Beadles so appointed or employed as aforesaid, or any of their Substitutes, shall at any Time wilfully neglect to attend during the several Hours in their respective Turns and Courses of Service to keep Watch or Ward within the said Town at the Hour appointed by the said Commissioners for their Attendance thereon, or shall depart from or cease keeping Watch 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 Town, 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

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

said Employment, if the said Commissioners shall think proper so to do.

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

XLVI. And be it further enacted, That in case any Constable, Assistant Constable, Superintendent, Watchman, Night Patrol, or Beadle to be appointed by virtue of this Act, shall be guilty of any Neglect or Misconduct in the Execution of his Duty, it shall be lawful for any One or more Justice or Justices of the Peace for either of the said Counties Palatine of *Lancaster* or *Chester* (as the Case may be), upon Complaint against any such Constable, Assistant Constable, Superintendent, Watchman, Night Patrol, or Beadle, of any such Neglect or Misconduct, to commit any such Constable, Assistant Constable, Superintendent, Watchman, Night Patrol, or Beadle, to the Common Gaol or House of Correction for the County or Hundred within which the Offence shall be committed, there to remain for any Time not exceeding Three Calendar Months.

Penalty on
Publicans
harbouring
Constables,
&c. during
the Time
of Duty.

XLVII. 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, Assistant Constable, Superintendent, Watchman, Night Patrol, 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 every such Offence any Sum not exceeding Five Pounds.

Power to
reward
disabled
Watchmen,
&c.

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

Commis-
sioners to
appoint or
contract with
Scavengers.

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

such Times and in such Manner as shall appear expedient to the said Commissioners.

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

Scavengers
Duty.

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

Penalty on
Contractors
for not ful-
filling their
Agreement.

LII. And be it further enacted, That if any Person or Persons whomsoever shall throw, cast, or lay, or cause or permit to be thrown, cast, or laid, any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth whatsoever into or in any Street, Lane, Highway, Passage, or other public Place within the said Town, (with the Exception of such Sand or Ashes as may be laid upon any Foot Pavement in Time of Frost, for the Prevention of Accidents, and of such Dirt or Rubbish as may be placed in any Street or other public Place in the course of erecting, pulling down, altering, or repairing any House or Building,) or shall throw or cast, or cause to be thrown or cast, any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or Filth, or any Animal

Penalty on
casting Rub-
bish into the
Streets.

[*Local.*]

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or

or Carcase, or any noxious or offensive Materials or Ingredients, or any other Substance whatsoever, into any Common Drain, Sewer, Sink, public or private Well, Pump, Canal, Pond, Pool, Watercourse, Reservoir for Water, common River or Brook, within the said Town, (except such Night Soil or other Filth as may be conveyed into any Common Sewer or Sewers from any Water Closet or Water Closets within the said Town,) every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty not to extend to Rubbish occasioned by Building, if sufficient Space be left for Passengers and Carriages.

LIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to subject any Person whomsoever to any Penalty for or on account of any Dirt or Rubbish being laid or placed in any such Street, Lane, Highway, Passage, or public Place as aforesaid, in the course of erecting, pulling down, altering, or repairing any Building, so as there be sufficient Space left in or at the Side of the Street, Lane, Highway, Passage, or public Place where such Dirt or Rubbish shall lie or be placed, for Carriages to pass and repass; and sufficient Way be kept clean for Foot Passengers by the Person or Persons laying or causing such Dirt or Rubbish to be laid or placed as aforesaid, and so as sufficient Light be, at their own Expence, set and maintained at the Place where such Dirt or Rubbish shall be so laid or placed, from Sunset to Sunrise, to prevent Accidents to Passengers and Cattle, and so as such Dirt or Rubbish be inclosed in such Manner and within such Time as the Surveyor of the said Commissioners shall direct or appoint, and so as such Dirt or Rubbish be removed, at the Expence of the Persons laying or causing the same to be laid, within such Time as shall be ordered by the said Surveyor.

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

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

Inhabitants may use their own Ashes, &c.

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

forfeit any Sum not exceeding Twenty Shillings for every Hour that such Annoyance shall be permitted to remain after the Time aforesaid.

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

Regulations
as to Night
Soil.

LVII. And be it further enacted, That all 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 Town, the Churchwardens and Chapelwardens of every Church or Chapel, the Owner or Owners of any Dead Wall and other Fences and vacant Pieces of Land (not used as Arable, Meadow, or Pasture 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 next adjoining the same several Streets, Lanes, Highways, Passages, and other public Places, shall and they are hereby required to cause the several Footpaths or Pavements along the whole Length of the Front of the respective Houses, Buildings, and Premises aforesaid (except as aforesaid), and to the full Extent of the said Footpaths or Pavements, before, behind, and on the Side or Sides of the same respectively, to be well and sufficiently swept and cleansed every Morning in the Year (except on *Sundays*), between the Hours of Six and Ten of the Clock; and every such Occupier making Default therein shall for every such Offence forfeit and pay the Sum of Five Shillings.

Occupiers of
Houses to
cleanse Foot-
ways.

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

Commis-
sioners may
compound
with Occu-
piers for
sweeping the
Footways.

LIX. And

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

LIX. 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 in the Premises shall for every such Offence or Neglect forfeit and pay any Sum not exceeding Twenty Shillings.

Dirt not to be swept into Channels.

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

Streets may be watered.

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

Persons liable to Statute Duty, or Composition in lieu thereof, to be discharged therefrom.

LXII. And be it further enacted, That from and after the Twenty-ninth Day of *September* next after the passing of this Act, all and every Person and Persons shall be and they are hereby exonerated, released, and for ever discharged from the Performance of Statute Duty for the Repairs of the common Highways within the said Town or any Part thereof, 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 of such Highways (except as herein-after mentioned); and the Inhabitants of the said Town shall, in respect of their Houses, Lands, Buildings, and Tenements within the said Town, be and they are hereby exonerated, released, and for ever discharged from the Performance of Statute Duty for the Repairs of the common Highways within those Parts of the Parish of *Ashton-under-Lyne*, and Township of *Dukinfield* and *Staley* respectively aforesaid (except as herein-after mentioned), as are not within the Limits of the said Town, 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 of such last-mentioned Highways; any Law, Statute, Usage, or Custom to the contrary notwithstanding.

But the Inhabitants of the Town shall be liable to Indictments for the

LXIII. Provided always, and be it further enacted, That the Inhabitants of the said Town shall be liable to Indictment at Common Law for the Non-repair or the Want of Reparation of the Streets, Lanes, Roads, Highways, Passages, and other public Places, being common Highways, within the said Town; and all Indictments and other

other Processes of Law which may be brought for or on account of the Repair or Non-repair of the same Streets, Lanes, Roads, Highways, Passages, and other public Places, shall be brought against the Clerk or Treasurer to the said Commissioners in manner herein-before directed.

Non-repair of
the Streets,
&c.

LXIV. And be it further enacted, That from and after the Twenty-ninth Day of *September* next after the passing of this Act, the Repair and ordering of all the public Streets, Lanes, Roads, Highways, and Passages, and other public Places within the said Town, (except such Parts of the Turnpike Roads passing through or which lie in the said Town, as now are and from Time to Time shall remain unbuilt upon, and without Messuages or other Buildings erected on both Sides thereof, and to the Front of the same Parts of the same Roads respectively,) shall be wholly under the Management and Direction of the said Commissioners, and the Surveyor or Surveyors to be by them appointed in manner herein-before mentioned; and the Power and Authority of the Surveyors of the Highways within the Parish of *Ashton-under-Lyne*, and Townships of *Dukinfield* and *Stayley* respectively aforesaid, appointed by virtue of an Act passed in the Thirteenth Year of the Reign of His late Majesty, intituled *An Act to explain, amend, and reduce into One Act of Parliament the Statutes now in being for the Amendment and Preservation of the public Highways within that Part of Great Britain called England, and for other Purposes*, shall, as to the Highways within the said Town, from thenceforth cease and determine; and the Surveyor or Surveyors to be appointed under or by virtue of this Act shall be, and he and they is and 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 public Streets, Lanes, Roads, Highways, and Passages, and other public Places within the said Town, which by Law now are or hereafter shall or may be granted to or conferred or imposed upon the Surveyors of the public Highways in 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 Duties of his or their Office or Offices, shall be paid by the said Commissioners, or their Treasurer, out of the Monies to be by them or him received by virtue of or under any Rate or Rates, Assessment or Assessments, to be made, charged, or levied for the Purpose of altering, widening, diverting, turning, or extending, paving, flagging, or otherwise constructing, improving, repairing, and amending the present and future public Streets, Lanes, Roads, Highways, and Passages, and other public Places (except the Market Places) within the said Town.

Repair of
Streets to be
under the
Direction of
the Com-
missioners.

13 G. 3. c. 78.

LXV. And be it further enacted, That the said Commissioners shall and may 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 order and cause the present and the future public Streets, Lanes, Roads, Highways, and Passages, and other public Places, as well Carriage as Footways, within the said Town, and each and every of them, and each and every or any Part or Parts thereof respectively, to be altered,

Commission-
ers to pave
Streets, &c.

[Local.]

5 S

widened,

widened, diverted, turned, or extended, paved, flagged, or otherwise constructed, improved, sougled, 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 and 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: Provided nevertheless, that no Order or Orders of the said Commissioners for the widening, diverting, turning, or extending, raising or lowering any of the said public Streets, Lanes, Roads, Highways, Passages, and other public Places within the said Town, shall be made or carried into Execution but at a Meeting to be convened for that Purpose, of which Twenty-one Days Notice at the least shall be given in the Manner prescribed for giving Notices by this Act.

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

LXVI. And be it further enacted, That when any public Streets, Ways, Roads, Passages, or Places already laid out or hereafter to be laid out within the said Town, not being common Highways, shall be well and sufficiently made, sougled, paved, flagged, or otherwise constructed, repaired, and put into good Order, Repair, and Condition, in such Manner, and with such public Drains therein, as shall be satisfactory to the said Commissioners, it shall be lawful for the said Commissioners, upon the Application of the Owner or Owners of the Soil of such public Streets, Ways, Roads, Passages, or Places, or of the greater Part in Value of such Owners, or of the Person or Persons liable to repair the same, or of the greater Part in Value of such Person or Persons, to declare such public Streets, Ways, Roads, Passages, or Places to be common Highways; and from and after such Declaration made, the same and every of them shall be deemed and taken to be common Highways to all Intents and Purposes, and thenceforth 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 any Front Streets which shall be of less Width than Ten Yards in the narrowest Part thereof, or of and concerning any Back Streets, public Ways, Roads, Passages, or Places which shall be of less Width than Six Yards in the narrowest Part thereof, except such Streets, Ways, Roads, or Passages as were actually laid out previous to the passing of this Act.

Width of Streets.

Owners, &c. not to vote as Commissioners for declaring such Streets public Highways.

LXVII. Provided always, and be it further enacted, That no Person, being the Owner or Occupier of or otherwise interested in any Land or Building within or adjoining to any Street, Way, Road, Passage, or Place proposed to be made a common Highway as aforesaid, or within Fifty Yards of the same, shall be entitled to vote as a Commissioner touching the declaring of any such Street, Way, Road, Passage, or Place to be a common Highway, or touching the paving, repairing, or sougling the same or any Part thereof.

New Pavements, &c. to be made at the Charge

LXVIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required to cause all such Parts of the public Streets, Ways, Roads, and Passages or Places within

within the said Town, not being common Highways, which are now, in the Estimation of the said Commissioners, fully built upon, but not finished, sougged, cleansed, paved, flagged, or otherwise put into good Order and Condition, and all such public Streets, Ways, Roads, Passages, or Places as are now making or may hereafter be made within the said Town or any Part or Parts thereof; although not fully built upon, to be made, sougged, paved, flagged, repaired, and cleansed with such Souggs, Gutters, Sinks, Common or Main Sewers, Drains, or Watercourses, and with such Materials and in such Manner, as to the said Commissioners shall seem meet and necessary; and the Charges and Expences attending the same shall be reimbursed to the said Commissioners by the Occupiers or Persons in the actual Possession, or by the immediate Owners; in case the same shall be unoccupied, of the Houses, Buildings, Ground, or Land within or on the respective Sides of the said Streets, Ways, Roads, Passages, or Places so to be sougged, paved, flagged, repaired, and cleansed as aforesaid, or wherein such Souggs, Gutters, Sinks, Common or Main Sewers, Drains, or Watercourses shall be made, repaired, and amended, scoured and cleansed as aforesaid, each such Occupier or Person in Possession, or Owner, paying a proportionable Share thereof, such Share to be ascertained by the said Commissioners or their Surveyor; and if any such Occupier or Person in Possession, or Owner, shall at any Time refuse or neglect to pay such Proportion of the said Charges and Expences so to be ascertained as aforesaid, the same shall be levied by Distress and Sale of the Goods and Chattels of such Occupier or Person in Possession, or Owner, in like Manner as the Rates herein-after directed and required to be raised and levied are authorized to be recovered, or 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 in the Court of Common Pleas at *Lancaster*, or in the Court of Great Session at *Chester*, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance, shall be allowed.

of Owners or Occupiers of Houses, &c.

LXIX. And be it further enacted, That from and after the Twentieth Day of *September* next after the passing of this Act, the Trustees of the several Turnpike Roads passing or leading into or through the said Town shall from Time to Time be exonerated and discharged from the Repairs of such Parts of the same Roads respectively as lie within the said Town, and on both Sides whereof Messuages or other Buildings are erected, adjoining and to the Front of the same Parts of the same Roads respectively; and the said Parts of the same Roads respectively shall from Time to Time be repaired, maintained, supported, and kept in repair by the said Commissioners under and by virtue of the Powers and Provisions of this Act.

Trustees of Turnpike Roads discharged from the Repairs of such Roads as pass through the Town.

LXX. Provided always, and be it further enacted, That the said Commissioners shall not cause the said Streets, Ways, Roads, Passages, or Places, not being common Highways, or any Part thereof respectively, to be sougged, paved, flagged, repaired, and cleansed, or Gutters, Sinks, Common or Main Sewers, Drains, or Watercourses to be made therein as aforesaid, until their Surveyor shall have given or left a Notice in Writing under his Hand to or for the Owner or Occupier

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

or

or Person in Possession of each and every House, Building, Ground, Land, or other Premises within or at the Sides of the said Streets, Ways, Roads, Passages, or Places, or such Part thereof respectively, so wanting soughing, paving, flagging, repairing, and cleansing, or wanting Gutters, Sinks, Common or Main Sewers, Drains, or Watercourses made therein, requiring him, her, or them to sough, pave, flag, repair, and cleanse the same Streets, Ways, Roads, Passages, or Places, and to make Gutters, Sinks, Common or Main Sewers, Drains, or Watercourses therein, in such Manner as shall be expressed in such Notice, either before, behind, or at the Side of his, her, or their Premises (as the Case may be), and until such Owner, Occupier, or Person in Possession shall have neglected or refused, for the Space of Two Calendar Months next after the Receipt of such Notice, to sough, pave, flag, repair, and cleanse the same Streets, Ways, Roads, Passages, or Places, and to make Gutters, Sinks, Common or Main Sewers, Drains, and Watercourses therein, in the Manner and Form expressed in such Notice.

Occupiers
may retain
Expences
from Rent.

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

Power to
place Bars
across the
Streets under
Repair.

LXXII. And be it further enacted, That it shall be lawful for the said Commissioners, or their Surveyor, during such Time as any of the said Streets, Lanes, Highways, Roads, Passages, or other public Places within the said Town shall be under Repair, or during the making or repairing of any Sewers or Drains therein, to cause so many Bars, Posts, Rails, and Chains, or other Obstructions, to be fixed, set up, and placed across or in any of the said Streets, Lanes, Highways, Roads, 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 down, break, remove, damage, or injure any of the said Bars, Posts, Rails, Chains, or other Obstructions, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Power to set
up Posts for
guarding
Footways.

LXXIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to erect and set up, in such Parts of the said Streets, Lanes, Highways, Passages, and other public Places as they may think necessary, any Posts, Pillars, Stones, Rails, Bars, Chains, or any other Fence or Fences, either permanent or temporary, for the Purpose of preserving any of the Footways within the said Town clear from Annoyance by Horses, Cows, Swine, or other Cattle, at Fairs and Markets, and for the Purpose
of

of keeping off Carriages from any of the said Footways, and for the Prevention of Accidents, and also to paint, repair, and replace any such Posts, Pillars, Stones, Rails, Bars, Chains, or other Fence or Fences, from Time to Time, whenever it shall appear to be requisite.

LXXIV. 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 Pavements, Flags, or other Materials of any public Streets, Lanes, Highways, Passages, and other public Places within the said Town, 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 next 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 thereof shall be borne and paid by the Person and Persons who shall have taken up, altered, or removed such Pavements, 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 said *Ashton-under-Lyne* Gas and Waterworks Company, with regard to the breaking up, repaving, or altering any Street, Way, or Passage within the said Town, by the said Act passed in the Sixth Year of the Reign of His present Majesty.

Pavements not to be taken up without Consent of Commissioners.

LXXV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, and at all Times hereafter, to cause such and so many Common Sewers, Drains, Culverts, and Watercourses, public Wells or Pumps, of such Materials, Dimensions, and Forms as they may think sufficient and necessary, to be constructed and made or continued in, along, or across any of the Streets, Lanes, Highways, Passages, or other public Places within the said Town, in Situations where, in the Opinion of the said Commissioners, private Individuals ought not to be required to make and construct the same at their own Expence; and also to cause any of the Common Sewers, Drains, Culverts, and Watercourses, Wells or Pumps, which now are or hereafter shall be within the said Town, to be altered, enlarged, repaired, cleansed, or completed, as the said Commissioners shall deem proper; and also, for any of the said Purposes, from Time to Time to cause to be dug, carted, and carried away, or brought into the said Streets, Lanes,

Commissioners may make Common Sewers.

[Local.]

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Highways,

Highways, Passages, or other public Places, such Gravel, Stones, Bricks, and other Materials, as they shall think necessary, and to cause such and so many Gutters or Openings to be made therein, for carrying off and conveying the Filth, Soil, and Waters from the Houses and Buildings already built or to be built in or adjoining to such Streets, Lanes, Highways, Passages, or other public Places, into the said Sewers and Drains, as the said Commissioners shall think necessary; and in case it shall be found necessary, for completing any of the aforesaid Sewers, Drains, Culverts, and Watercourses, Wells and Pumps, to carry and continue the same into and through any inclosed Lands lying within the said Town, it shall be lawful for the said Commissioners to carry and continue the same into and through the same accordingly, such Lands not being occupied as Courts, Yards, Gardens, or Orchards, or as Avenues or Approaches to any Dwelling House: Provided always, that if the Owners or Occupiers of any Lands or Grounds into or through which any Sewer, Drain, Culvert, or Watercourse, Wells or Pumps, shall be made or continued as aforesaid, shall be injured thereby, and such Owners or Occupiers shall refuse to treat or cannot agree with the said Commissioners as to the Recompence to be paid for such Injury, such Owners or Occupiers may apply to the next General or Quarter Sessions of the Peace for the County or Hundred wherein the same Lands or Grounds shall lie; and the Justices of the Peace at such Sessions shall have Power to direct the Jury there attending for the Trial of Traverses, to assess the Recompence which ought to be paid to such Owners or Occupiers for such Injury as aforesaid; and thereupon the said Justices shall order the Sum assessed by the Jury to be paid accordingly, and such Judgment shall be final to all Intents and Purposes; and the said Justices shall and may award Costs to either Party, as they shall think proper; and all Expences in or about the making, enlarging, widening, altering, repairing, cleansing, or scouring such Sewers, Drains, Culverts, and Watercourses, Wells or Pumps, shall be defrayed out of the Monies to be raised by virtue of this Act.

Satisfaction to be made for Injury or Damage caused by making such Sewers, &c.

Commissioners may empower persons to turn private Drains into Common Sewers.

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

LXXVII. And

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

Private Drains to be cleansed at the Charge of the Owners.

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

Course of Gutters to be turned if necessary.

LXXIX. And be it further enacted, That the said Commissioners, or their Surveyor, or such other Person or Persons as they or their Surveyor shall employ and appoint, may and are hereby authorized and empowered to search for, dig, cut, gather, take, and carry away any Stone, Gravel, Sand, or other Materials fit and proper for raising, repairing, and paving, and for covering the Pavement, and pitching the Footways and Gutters, Watercourses, Drains, or Sewers of or in any of the said Streets, Lanes, Highways, Passages, and other public Places, out of or from and over the Lands and Grounds of any Person or Persons situate, lying, and being in the said Parish of *Ashton-under-Lyne*, and in the said Townships of *Dukinfield* and *Stayley*, or any or either of them, (not being a Yard, Garden, Orchard, Park, Paddock, inclosed Avenue to a House, or Nursery for Trees,) where the same may or are likely to be found and had, such Surveyor or other Person or Persons, without Delay, filling up the Pits, and levelling the Ground, or sloping down the Banks, where such Materials shall be taken, and railing or fencing off such Pits, so that the same may not remain dangerous to Passengers, Cattle, or Carriages, and also paying or tendering to the respective Owners and Occupiers of such Lands and Grounds a sufficient Compensation for the Damage or Injury done or occasioned to them by the digging, taking, and carrying away of such Materials as aforesaid; and in case any Difference shall arise touching the Insufficiency of any such Compensation, or the Amount or Extent of any such Damage or Injury, any Two Justices of the Peace for the said Counties Palatine of *Lancaster* and *Chester*, or either of them, (as the Case may be,) on Seven Days Notice thereof being given in Writing by either Party to the other, shall, in a summary Way, hear, settle, and determine the Matter in dispute between them; and the Judgment or Order of the said Justices therein shall be final and conclusive to all Parties.

Commissioners or Surveyor empowered to get Materials.

LXXX. Pro-

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

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

Highway from the Boundary of the Town to Lane End Pit in Dukinfield to be repaired by the Commissioners.

LXXXI. And be it further enacted, That so much and such Part of the said common Highway leading from the said Town of *Stalybridge* to *Newton* aforesaid, in the said County Palatine of *Chester*, as lies or extends for the Distance of Five hundred and sixty Yards, or thereabouts, from the aforesaid Boundary of the said Town westwardly to or near to a certain Place in the said Township of *Dukinfield* called *Lane End Pit*, shall from and after the Twenty-ninth Day of *September* next after the passing of this Act, and from Time to Time for ever thereafter, be ordered, repaired, maintained, supported, and kept in repair by the said Commissioners under and by virtue of the Powers and Provisions of this Act, and by and out of the Money to be raised thereunder; and the present and future Pavements, Flag Stones, Curb Stones, Stone, Gravel, and all other Materials of the same, and all the present and future public Drains, Ditches, Sewers, Tunnels, Gutters, and Sinks under or on the Sides of the said Part of the said common Highway, shall be held and be deemed to belong to and be the Property of, and the same are hereby vested in, the said Commissioners; and all and every the Provisions, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Declarations, Exemptions, Indemnities, Penalties, Forfeitures, Punishments, Matters, and Things in this Act contained, touching or concerning such Part of the common Highways in the said Town as are within the said Township of *Dukinfield*, and the future ordering, repairing, maintaining, and supporting of the same common Highways, so far as the same are applicable, shall extend

extend and be applicable to, and shall take effect, operate, and be put in execution, and shall be used and exercised by the said Commissioners, and shall be applied and enforced in ordering, altering, widening, diverting, or turning, paving, flagging, or otherwise constructing, improving, soughing, repairing, and amending, supporting and keeping in good Order and Condition the said Part of the said common Highway leading from the said Town of *Stalybridge* to *Newton* aforesaid, and in executing, doing, and performing the several other Works, Matters, and Things by this Act authorized to be executed, done, and performed in regard to the common Highways within the said Town, and for the Punishment of Offences relating thereto, as fully and effectually to all Intents and Purposes as if the said Provisions, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Declarations, Exemptions, Indemnities, Penalties, Forfeitures, Punishments, Matters, and Things were here repeated, or as if the said Part of the said common Highway lay within or formed Part of the said Town.

LXXXII. And be it further enacted, That the said Commissioners shall cause to be painted or otherwise described, and placed in a conspicuous Part of some One or more House or Building at or near each End or Entrance of every Street, Lane, Highway, Passage, and other public Place within the said Town, the Name by which such Street, Lane, Highway, Passage, or public Place now is or shall be called or known; and also cause every House or Building in the said several Streets, Lanes, Highways, Passages, and public Places, to be numbered with Figures, either on the Door thereof, or otherwise, and in such Manner as they shall think most proper for distinguishing the same; and if any Person or Persons shall wilfully destroy, obliterate, deface, remove, or, without the Consent of the said Commissioners for that Purpose first obtained, alter any such Name, Number, or Figures, or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

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

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

Numbers of Houses to be renewed.

LXXXIV. 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 Foot-

Water from Buildings to be conveyed in Drains.

[Local.]

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path

Steam not to be discharged from Fronts of Buildings.

path 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.

For laying Pipes for conveying Water.

LXXXV. And be it further enacted, That for the Purpose of laying or forming such Pipes, Tunnels, or Channels as aforesaid, it shall 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 the said Pipes, Tunnels, or Channels shall be laid and formed under the Directions of the Surveyor of the said Commissioners; and all Damage 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.

Cellar Openings to be covered or secured by Railing.

LXXXVI. And be it further enacted, That the Owner or Occupier of all or any Buildings within the said Town 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, 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.

Directions for the Removal of Annoyances by Sign Posts, &c.

LXXXVII. And be it further enacted, That the several and respective Occupiers of Houses and other Buildings in the several Streets, Lanes, Highways, Passages, and other public Places within the said Town, shall and they are hereby required, at their own respective Costs and Charges, (within Thirty Days next after their respectively receiving Notice in Writing from the Clerk to the said Commissioners, by their Order,) to cause all Signs, Sign Irons, Sign Posts, Barber's Poles, Stalls, Blocks, Bulks, Show Boards, Butcher's Hooks, Spouts, Water Pipes, and other Projections which now are or hereafter shall be fixed or set up against or in front of their respective Houses or Buildings, and which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances, by reason of their projecting into, encroaching upon, or otherwise annoying or endangering the public Passage along any such Streets, Lanes, Highways, or other public Passages or Places, to be taken down, removed, and carried away, or altered, and to cause the Water from the Roofs, Cornices, and Penthouses of their respective Houses or Buildings to be carried down by proper and sufficient Pipes, to be fixed to and down the Sides of the same Houses or Buildings in such Manner as shall be directed by the said Commissioners; and in case any Occupier of any House or other Building as aforesaid shall neglect or refuse to cause any such Sign, Sign Iron, Sign Post, Barber's Pole, Stall, Block, Bulk, Show Board, Butcher's Hook,

Hook, Spout, Water Pipe, or other Projection which shall be so considered an Annoyance as aforesaid, to be taken down, removed, and carried away, or altered; or to cause the Water to be carried down from the Roof, Cornice, or Penthouse of any such House or other Building as aforesaid, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done by their Surveyor; and the Costs and Charges attending the same, having been ascertained by some Justice of the Peace of the said Counties Palatine of *Lancaster* and *Chester*, or either of them, as the Case may be, shall be recovered from any such Occupier in like Manner as any Penalties are by this Act authorized to be recovered; and the same shall be paid to the Treasurer to the said Commissioners, to be applied to the Purposes of this Act; and it shall be lawful for such Occupier, being a Tenant at Rack Rent, and having either paid such Costs and Charges in the first Instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his or her Rent; and the immediate Landlord or Landlady of every such House or other Building so held at Rack Rent is hereby required to allow the same accordingly, except only in Cases where the Encroachment, Obstruction, or Annoyance so removed or altered shall have been occasioned by such Occupier, in which Case he or she shall bear the Expence of altering or removing the same.

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

For Removal
of existing
Projections.

LXXXIX. And be it further enacted, That the several Occupiers of Houses and other Buildings situate in the several Streets, Lanes, Highways, Passages, and other public Places within the said Town, are hereby authorized and required, at their own respective Costs and Charges, within Thirty Days next after their respectively receiving Notice

For Removal
of future
Projections.

Notice in Writing from the said Commissioners in that Behalf, signed by their Clerk or Surveyor, to cause all and every the Penthouses, Porches, Sheds, projecting Windows, Palisades, Rails, Posts, Steps, Cellar Windows, Cellar Doors, Hatchways, and other Obstructions and Projections whatsoever, which shall in future be erected, set up, affixed, or laid down against or in front of their respective Houses or other Buildings, and which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances, by reason of their projecting into or encroaching upon, or otherwise annoying or endangering the public Passage along any of the said Streets, Lanes, Highways, or other public Places within the said Town, to be so taken down, filled up, removed, and carried away, or otherwise altered or reformed, in such Manner as shall be directed by the said Commissioners; and in case the Occupier of any such House or other Building as aforesaid shall neglect or refuse to cause any such Penthouse, Porch, Shed, projecting Window, Palisade, Rail, Post, Step, Cellar Window, Cellar Door, Hatchway, or other Obstruction or Projection to be taken down, filled up, removed, and carried away, or otherwise altered and reformed, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done; and the Costs and Charges attending the same, having been ascertained by some Justice or Justices of the Peace for the said Counties Palatine of *Lancaster* and *Chester*, or either of them, as the Case may be, shall and may be recovered by the Occupier of such House or Building in like Manner as any Penalties are by this Act authorized to be recovered; and it shall be lawful for the Occupier of any such House or other Building, being a Tenant at Rack Rent, and having either paid such Costs and Charges in the first Instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his or her Rent; and the immediate Landlord or Landlady of every such House or other Building so held at Rack Rent is hereby required to allow the same accordingly, except only in Cases where the Encroachment, Obstruction, Annoyance, or Nuisance so removed or altered shall have been occasioned by such Occupier, in which Case he or she shall bear the Expence of altering or removing the same.

Cellar Windows and Gates to be secured.

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

XCI. And

XCI. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, Gardens, and Lands within the said Town, are hereby respectively required, at their own Costs and Charges, within Fourteen Days next after their respectively receiving Notice in Writing from the said Commissioners, signed by their Clerk, to cause all the Doors and Gates leading into the several Houses, Buildings, Yards, Gardens, and Lands in their respective Occupations, and not being Cellar Doors or Trap Doors, which now do or shall hereafter open outwards, and when open do or shall project over or upon any of the Streets, Lanes, Highways, Passages, or public Places within the said Town, to be altered so as that the same Doors or Gates shall thenceforth open inwards, and into their said respective Premises; and if any such Occupier shall neglect or refuse to make the Alteration aforesaid, according to such Notice, he or she shall forfeit and pay any Sum not exceeding Five Shillings a Day for every Day during which such Neglect or Refusal shall continue: Provided nevertheless, that where any such Occupier shall cause any Door or Gate to be altered in pursuance of Notice as aforesaid, it shall be lawful for him or her, if a Tenant at Rack Rent, to deduct and retain out of his or her Rent the Charges of altering the same, and his or her immediate Landlord or Landlady is hereby required to allow the same accordingly; and it shall be lawful for the said Commissioners to allow such Occupier or Landlord or Landlady all or any Part of the Expence attending such Alteration, if the said Commissioners shall consider it expedient.

Doors and
Gates to open
inwards.

XCII. 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 or Inspectors 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, storing or preserving of Cattle, Swine, or Beast of any kind, or any Fish, within the said Town, by any Person or Persons whatsoever, 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 Carcass or Part of the Carcass of any such, or any Fish, 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 Carcass or a Part of the Carcass of any such, or any Fish, which shall appear to be unsound or unwholesome, or not fit for the Food of Man, it shall be lawful 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 Carcass or Part of a Carcass, or Fish, 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, or storing or preserving

For Inspec-
tion of
Slaughter
Houses.

[Local.]

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preserving

preserving of Cattle, Swine, or other Beast; or Fish; 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 Carcass or Part of a Carcass, or Fish, 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, &c.

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

Preventing
Injury to
Chapels, &c.

XCIIV. And be it further enacted, That if any Person shall fix up any Hand Bills or other Papers (other than such Notices as may be directed by Parliament or other competent Authority) against any Church, Chapel, or Place licensed for Public Worship, or any School or public Building whatsoever within the said Town, or any Walls, Doors, Railings, or Inclosure thereof, or shall write with Chalk or any other Matter thereon, or shall play at Ball or Fives upon or against the same, or shall deposit any Filth or commit any Nuisance upon, in, about, or against any of the aforesaid Edifices, or the Walls, Doors, or Steps thereof, or in or about any such Churchyard or Burial Ground as aforesaid, he or she shall forfeit for every such Offence any Sum not exceeding Five Pounds.

For im-
pounding
Cattle suffer-
ed to stray.

XCV. 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

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

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

Punishing
Persons
guilty of
Pound-
breach.

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

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

Cart, or other such Carriage, shall refuse or neglect to turn aside and make way for any Coach, Chaise, or loaded Carriage of any other Description; or if any Person shall haul or draw, or cause to be hauled or drawn, upon any Part of the said Streets, Lanes, Highways, Passages, or other public Places, any Tree or Piece of Timber, or any Stone, otherwise than upon a Wheeled Carriage, or shall suffer any Part of any Tree or Piece of Timber to drag upon any Part of the said Streets, Lanes, Highways, Passages, or other public Places, the Driver, Rider, or other Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings; and every such Driver, Rider, or other Person offending in any of the said Cases shall and may, by the Authority of this Act, with or without a Warrant, be apprehended by any Person who shall see such Offence committed; and it shall be lawful for the Person so apprehending such Driver, Rider, or other Person, to cause him or her to be delivered to a Peace Officer, in order to be brought before some Justice of the Peace for the said County Palatine of *Lancaster* or for the said County Palatine of *Chester* (as the Case may be), to be dealt with according to Law; and if any such Driver, Rider, or Person, in any of the Cases aforesaid, shall refuse to disclose his Name, the necessary Proceeding may be had against him before such Justice for the said Penalty, by a Description of his Person and the Offence committed, without stating his or her Name.

For prevent-
ing Nui-
sances.

XCVIII. And be it further enacted, That if any Person or Persons shall, in any of the present or future Streets, Lanes, Roads, Highways, Passages, or other public Places in the said Town, expose for Sale, or sell, any Horse, Ass, Pig, Sheep, Bull, Cow, or other Beast or Cattle, except in the public Market, or in such Place or Places as shall be appointed for that Purpose; or exhibit or place for Exhibition any Caravan or other Carriage containing any Animal or Animals, or other public Show, or in any other Manner exhibit or cause to be exhibited any public Show, except in such Place or Places as shall be appointed for that Purpose; or expose or show any Stallion, except in such Place or Places as shall be appointed for that Purpose; or shoe, bleed, or farry any Horse or Beast (except in Cases of Accident), or clean or dress any Horse or other Beast, or exercise any Horse or other Beast; or drive any Carriage or Carriages for the Purpose of breaking, exercising, or trying Horses; or turn loose or suffer to be at large any Horse, Ass, Sheep, Bull, Cow, Swine, Goat, or other Beast, or any Bull Dog, Mastiff, or other ferocious Dog of any other Species, not being muzzled; or permit or suffer any Dog whatsoever to go at large after any public Notice given by the said Commissioners, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of the Existence of Canine Madness (and which said Dogs so at large the said Commissioners are hereby authorized to destroy and direct to be destroyed); or ride on the Shafts of any Waggon, Dray, Cart, Sledge, or other Carriage, or on any other Part of such Waggon, Dray, Cart, Sledge, or other Carriage, or Part of a Carriage, or on any of the Horses, Asses, Mules, or Cattle drawing the same, without the Reins of such Horses, Asses, Mules, or Cattle being held, or be
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at such a Distance from the same as not to possess the complete Direction over the Horses, Asses, Mules, or Cattle drawing the same ; or, when driving any empty or unloaded Waggon, Cart, or other such like Carriage, shall refuse or neglect to turn the same aside, and make way for any Coach, Chaise, or loaded Carriage of any Description ; or when driving any Waggon, Cart, Sledge, or other Carriage, shall not readily and promptly turn the same out of the Road on meeting Horses and Carriages, so as to leave proper and sufficient Quarter for such Horses and Carriages ; or when driving any Sort of Carriage whatsoever, and meeting any other Carriage, shall not keep his or her Carriage on the Left or Near Side of the Street, Road, or public Place, or shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, within such Street, Road, or public Place, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage, or of His Majesty's Subjects, within any such Street, Road, or public Place ; or when riding any Horse or Beast, or driving any Carriage of any Sort or Kind, shall ride or drive the same furiously, or so as to endanger the Life or Limb of any Person, or drive the same against and injure or damage any Curb Stone or Foot Pavement or Causeway ; or suffer any Waggon, Cart, Dray, or other Carriage to stand or remain, with or without Horses, longer than may be necessary for loading or unloading thereof, or suffer the same during such Time of loading or unloading to be placed or remain so as to interrupt the public Passage more than necessary ; or suffer any Stage Coach, Diligence, Post Chaise, or other Carriage let to Hire, to remain longer than may be necessary for the taking up or setting down of any Passenger or Passengers, or for loading or unloading their Baggage ; or draw any Tree or Piece of Timber, Block or Blocks of Wood or Stone, Metal, or other heavy Materials, except the same be wholly in or on some Carriage ; or wash or clean or make or repair any Coach, Chaise, Waggon, Cart, Dray, Sledge, Wheelbarrow, or other Carriage, or the Wheels, Body, Springs, or other Part of any Coach, Chaise, Waggon, Cart, Dray, Sledge, Wheelbarrow, or other Carriage, except such Carriages as may want immediate repairing from any sudden Accident on the Spot, or which cannot conveniently be removed for that Purpose ; or let off or fire any Musket, Gun, or Pistol, or other Fire Arms except in case of Necessity for Self-defence ; or make or assist in making any Bonfire, or set fire to or let off or throw any Cracker, Squib, Rocket, or other Fire Works ; or play at Football, or throw any Snowball, or trundle or turn any Hoop or Hoops, or fly any Kite or Kites, or run any Race or Races, or play any Game or Games, to the Annoyance of any Inhabitant or Inhabitants or Passenger or Passengers ; or wilfully break, or abet or assist in wilfully breaking, any Glass or Window Panes or Windows ; or burn, dress, or cleanse any Cask, or hoop or fire, cleanse, wash, or scald any Cask or Tub ; or burn, dress, sweep, or cleanse any Piece or Pieces of Cork therein ; or beat, dust, or shake any Carpet therein ; or hang out or cause to be hung out any Linen or Clothes ; 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, Roads, Highways, Passages, or other

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public

public Places within the said Town, 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, Roads, Highways, Passages, or other public Places; or hew, saw, bore, or cut any Timber or Stone; or throw, cast, lay, or place any Hay, Straw, Coals, Stones, Slatés, Tiles, Lime, Bricks, Mortar, Timber, Boards, Iron, or other heavy Substance, except Stones, Lime, Bricks, Mortar, Timber, or other Materials used for building, or Dirt or Rubbish thereby occasioned, which shall be placed or inclosed in manner mentioned in this Act, so as to prevent any Mischief happening to Passengers, or any Dust, Dirt, Dung, Soil, Filth, Carrion, Blood, Offal, Refuse of Garden Stuff, or any Sort of Rubbish; or throw or cast any such Matters or Things into any public or private Well, Pump, Canal, Pool, Watercourse, or Reservoir for Water, or common River or Brook within the said Town; or sell or assist in selling, by Auction or public Sale, any Goods, Wares, or Merchandize, or other Property or Effects whatsoever, in any of the said Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Town, without the Leave of the said Commissioners for that Purpose first obtained; or hang up, place, or expose to Sale the Carcass of any Calf, Sheep, Swine, Cattle, or Beast, or any Part or Parts thereof, or any Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden Stuff, or any other Matter or Thing, in or upon or so as to project over or upon any Footway, or beyond the Line of or on the Outside of the Window or Windows of the House or Shop at which the same shall be so hung up or placed or exposed to Sale, or so as to obstruct or incommode the Passage of any Person or Carriage; or kill or slaughter, or singe, scald, or dress any Beast, Swine, Ox, Cow, Calf, Sheep, Lamb, or other Cattle, either wholly or in part, in any Street, Lane, Road, Highway, Passage, or other public Place within the said Town, or in any Shop or other Place adjoining and exposed to any of such Streets, Lanes, Roads, Highways, Passages, or other public Places; or cause or permit any Offal, Blood, Filth, or other offensive Matter to run from any Slaughter House, Shambles, Butcher's Shop, Hogstye, or Dunghill, into any of the said Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Town; or kill or slaughter or dress within the said Town any unsound Swine, Ox, Cow, Calf, Sheep, Lamb, or other Beast or Cattle, and which shall be unwholesome Meat; or sell or offer or expose for Sale within the said Town any unwholesome Fish or Meat; or use any false or deficient Weights or Measures; or if any Person, being a licensed Publican or Victualler within the said Town, shall not erect or construct, with Flags or other proper Materials, in some convenient and proper Situation about such Public House or Victualling House, (other than to the Front of any public or principal Street or Place,) 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 in any of the said Streets, Lanes, or other public Places or Passages within the said Town, sift, screen, wet, slack, or mix any Lime; or fix up any Flower Pot or Bow Pot or Pots at any Window or Windows, without sufficiently guarding the same so as to prevent

prevent their being blown or thrown down; or leave open (after Sunset) the Door, Hatchway, or Flap Window, Grate, Stone, Plate, Board, or other Covering giving Light or Air to any Cellar, Coal Hole, Vault, Office, or other under-ground Room or Apartment, or of any Area, without having placed or left a sufficient Light to warn or prevent Persons from falling into such Cellars or other under-ground Rooms or Apartments or Areas; or leave open or not effectually fasten and secure any Grate, Stone, Plate, Board, or other Covering placed over any Opening in any Pavement, and used for putting Coals or other Articles into any Cellar or other Place under Ground; 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, his, her, or their disused Coal Pit or Shaft within the said Town, or his, her, or their Reservoir, Pond, or Dam of Water within or near any of the said Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Town, so as effectually to prevent Accidents to Persons and Cattle by reason of any such Coal Pit or Shaft, Reservoir, Pond, or Dam of Water being left uncovered or unguardedly open; or throw at any Cock or Fowl in the Manner called Cock-throwing; or set up any Cock or Fowl to be thrown at in such Manner; or bait or cause to be baited any Bull, Bear, or other Animal, in any Part of the said Town; or commit any public Nuisance or Annoyance whatever within the said Town; or run, draw, drive, or carry any Truck, Wheel Sledge, Wheelbarrow, Bier, Handbarrow, or Carriage whatsoever, upon any Footway or Causeway (except only for the Purpose of crossing any Footway or Causeway); or drag thereon any Timber or Log of Wood, or any Stone or Metal; or roll thereon any Cask or Tub (other than for the necessary loading or unloading thereof,) into, upon, from, or out of any Cart or Carriage; or set or place thereon any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Barrel, Box, Pail, Bucket, Stool, Bench, or Stall; or erect, set up, or place any Blind, Shade, Coverlid, or Awning, or any other Matter or Thing, in the Front of or before any House, Shop, or other Building, so as in any way to cause any Obstruction or Impediment in any such Footway or Causeway; or slide upon any such Footway or Causeway; or by standing, loitering, or remaining on any such Footway or Causeway (without some reasonable or good and sufficient Cause), or in any other Manner obstruct or incommode, hinder or prevent the free Passage of any such Footway or Causeway; or prejudice, insult, jostle, or annoy any Person or Persons travelling, passing, or going thereon; or throw, cast, lay, or sift any Ashes (except in Time of Frost only, and to prevent Accidents); or wilfully ride, lead, or drive, on any Footway or Causeway, any Horse, Mule, Ass, Swine, or other Beast or Cattle of any Kind whatsoever; or wilfully permit or suffer any Horse or other Beast or Cattle which such Person may be riding, drawing, or leading, to go thereon; or tie or fasten any Horse or other Beast or Cattle to any Door, Wall, Post, Tree, or other Thing whatsoever, so that such Horse, Beast, or Cattle can go or stand across or upon any Footway or Causeway; or indecently expose his Person; or write or describe any obscene or indecent Language or Figure on any Wall, Door, Post, or public Place within the said Town; or post or distribute any indecent or obscene Hand Bill, Notice, or Placard, within the said Town; or expose to Sale any indecent or
obscene

obscene Print or Pamphlet ; or affix any posting Bill or other Paper to or against any Dwelling House, Wall, or Building, without the Consent of the Owner or Occupier thereof, or write upon or otherwise deface or mark the same by means of Chalk, Paint, or any other Material whatsoever ; or if any Person or Persons shall, within the Distance of Five hundred Yards from any Dwelling House situate in or upon any Street, Road, or Place within the said Town, burn any Rags or Bones or other offensive Substance for making Manure, Ivory, or other Black or Ammoniac, or for any other Purpose of Trade, Manufacture, or Commerce ; or place, deposit, or keep any Night Soil, or the Emptyings, Cleansings, or Filth taken from any Privy, Drain, or Cess Pool, or the Refuse, Offal, Garbage, Filth, or Sweepings of any Slaughter House, or any Soap Lees, Ammoniacal Liquor, or any other noisome or offensive Matter whatsoever, in or upon any open or inclosed Ground within the aforesaid Distance from any such Dwelling House as aforesaid, otherwise than during the Time of the same being removed ; each and every Person so offending in any of such Cases, or the Owner or Proprietor of any such Horse, Beast, Cattle, Carriage, Goods, Matter, or Thing aforesaid, as the Case may be (in any of such Cases where the Person actually offending cannot be found or discovered), or the Person causing any of such Offences, Matters, or Things to be committed or done, shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on firing Chimneys.

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

Certain Trades to be registered with the Clerk to Commissioners.

C. And be it further enacted, That every Pawnbroker or Dealer in old Clothes, Rags, Bones, old Metal, or second-hand Furniture, in the said Town, shall, within Three Calendar Months next after the passing of this Act, and every Person or Persons who shall thereafter begin to carry on any of the said Occupations within the said Town, 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 to 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.

Power to provide a Public Office.

CI. And be it further enacted, That it shall be lawful for the said Commissioners to provide and maintain in good Repair and Condition a fit and convenient House or Place as and for a Public Office or Offices within the said Town for holding the Meetings and transacting the Business of the said Commissioners, and for holding the Meetings of His Majesty's Justices of the Peace acting for the said
respective

respective Counties Palatine of *Lancaster* and *Chester*, and for the holding of such public Meetings and transacting such other public Business relating to the said Town as the said Commissioners shall direct or allow to be held or transacted therein; and also to provide and maintain in good Repair and Condition Lock-up Houses or other Places of Security, wherein may be lodged any Night-walkers, Felons, Malefactors, Vagrants, Disturbers of the Peace, and Beggars, within the said Town, until they can 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, Tools, Implements, and other Articles, Matters, and Things to be used and employed by or by the Direction of the said Commissioners; and it shall be lawful for the said Commissioners from Time to Time to make and establish such Rules, Orders, Regulations, and Provisions for the Use and Management of such Public Office, Lock-up Houses, or other Places of Security, and for airing, warming, lighting, cleansing, and repairing the same, and for the Use and Management of any such Lands and Buildings, and to make such Allowance or Allowances to the Keepers or Persons having the Care or Superintendence of the same Offices, Lock-up Houses, Lands, Buildings, and Places, for their necessary Attendance and Trouble about the same, as shall from Time to Time appear expedient to the said Commissioners.

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

Commissioners to provide Fire Engines.

CIII. And be it further enacted, That the said Commissioners shall and may from Time to Time order and appoint such and so many Fire Plugs to be put and placed into any Main or other Pipes laid or to be laid along any Part or Parts of the Streets of the said Town, and belonging to any Person or Persons, Proprietor or Proprietors whatsoever, for the better obtaining Water for the working of the Fire Engine or Engines, or otherwise extinguishing of Fires, they the said Commissioners giving Three Days previous Notice of their Intention to put down Fire Plugs to the Surveyor of such Waterworks; and doing as little Damage as may be to the said Main and other Pipes; and the Owners or Proprietors of any such Water Pipe or Water Pipes for the Time being shall, upon any Fire happening in the said Town, force up and supply in such Pipes all such Water as can or may be obtained and got along and into the same

Commissioners to order Fire Plugs to be placed in the Water Pipes.

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by means of the Water Engines or Works subsisting for conveying or bringing Water to the said Town for the Time being; and such Pavements so to be taken up, and such Pipes so to be broken into, shall be repaired and made good by the said Commissioners out of the Money to be raised by virtue of this Act.

Power to erect a Market Place, and for making Accommodations and Approaches thereto.

CIV. And be it further enacted, That it shall be lawful for the said Commissioners to make, erect, and build, or cause to be made, erected, and built, and from Time to Time for ever afterwards keep in good Repair and Condition, within and for the said Town, One or more Market Place or Market Places, with such public and other Buildings as the said Commissioners shall think proper, and also all such Stalls, Standings, Shambles, Bulks, Sheds, Pens, and other Conveniences for the Sale of Meat, Fish, Poultry, Vegetables, Fruit, and other Provisions, and also for the Sale of live Cattle, Sheep, Pigs, Corn, Grain, Seed, Flour, Malt, Hops, Hay, Straw, and other Produce of Land, China, Glass, Earthenware, and all such other Goods, Wares, Articles, Commodities, Matters, and Things as shall be brought there to be sold or disposed of, or as are usually sold or exposed to Sale in public Markets or Fairs; and from Time to Time to remove, enlarge, vary, and alter the Form, Situation, and Extent of the said Market Places, or any of them, and also to open and make all such Roads, Avenues, and Approaches to the said Market Places, or any of them, as the said Commissioners shall think fit; and to make Conduits with proper Reservoirs and Cisterns within or near the said Market Places, and to lay down all necessary Pipes from the same, in and through the Streets, Lanes, Ways, Passages, or other Places, for the conveying Water for the necessary Supply of the said Market Places; and also to do and perform all such other Acts, Matters, and Things as shall be deemed necessary or proper for the making, preserving, maintaining, and using the said Market Places, Buildings, Erections, and Things, according to the true Intent and Meaning of this Act, or for the enlarging and further improving the said Market Places, Buildings, Erections, Shops, Stalls, Standings, Shambles, Bulks, Sheds, Pens, and Conveniences, and the Avenues and Approaches thereto; at any Time or Times after the same shall have been made, erected, opened, and completed as aforesaid.

The Market to be erected within Four hundred Yards of the Angel Inn, &c.

CV. Provided nevertheless, and be it further enacted, That such Market Place or Market Places shall be erected and built within the Distance of Four hundred Yards from a certain Public House within the said Town, called or known by the Name of the *Angel Inn*, and shall not afterwards be altered, removed, or varied to any other Place or Places within the said Town, without the Consent of the Inhabitants at large of the said Town, signified in the Manner required by Law for the Regulation of Parish Vestries, at some public Meeting convened for the Purpose of considering the Propriety of removing the same Market Place or Market Places, and of which Meeting Twenty-one Days Notice at the least shall be given in the Manner herein-before directed for giving Notices under this Act.

CVI. And be it further enacted, That from and after the said Market Places, each or any of them, shall be built and completed, and opened for public Use as a Market or Markets as aforesaid, it shall be lawful for the said Commissioners to have, hold, and keep Markets thenceforth for ever upon such Days as they shall from Time to Time order and appoint; and also, by themselves or any of their Collectors, Farmers, Officers, or Servants, to ask, demand, recover, receive, and take, of and from all and every Person and Persons exposing or offering for Sale or selling any Meat, Fish, Poultry, Vegetables, Fruit, and other Provisions, live Cattle, Sheep, Pigs, Corn, Grain, Seeds, Flour, Malt, Hops, Hay, Straw, and other Produce of Land, China, Glass, Earthenware, and other Goods, Wares, Articles, Commodities, Matters, and Things aforesaid, in any of the Markets aforesaid, and for weighing or measuring the same respectively, or who shall rent, use, or hire any Building, Shed, Stall, Standing, Bulk, Tressel, Block, or other Convenience, Standing Place, or Station in any of the said Markets, the several Tolls, Stallages, Rents, or Sum or Sums of Money which shall at any Time or from Time to Time be fixed and appointed by the said Commissioners to be paid for the same, not exceeding the several Tolls, Stallages, Rents, or Sum or Sums of Money mentioned and specified in the Second Schedule to this Act annexed; any Charter, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding.

Power to hold Markets in the new Market Places, and to take Tolls.

CVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, from Time to Time to make, provide, constitute, and ordain such Rules, Regulations, Orders, and Bye Laws as they shall think fit and necessary for the good Government and Regulation 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 the better regulating, cleansing, letting, occupying, and using the said Markets and Market Places, or any of them, or any Part or Parts thereof; and also for the regulating, ordering, and governing all Persons, both Buyers and Sellers, thereto coming and resorting, in all Matters which do or may concern or relate to the said Markets; and also for the regulating all Carriers therein, and fixing and ascertaining the Rates and Prices for the carrying and conveying of all Articles carried and conveyed from the said Markets within the said Town; and for the appointing, trying, adjusting, regulating, and ordering of all Weights and Measures, according to the legal Standard used and to be used in the said Markets, and the Sale of all Corn, Grain, Provisions, and other Things, or any of them, by such Weights and Measures, and for preventing the Sale and exposing to Sale of such Provisions and other Things in the said Markets by false and deceitful Weights or Measures; and also for preventing the Sale of or exposing to Sale any unwholesome Meat, Fish, or other Provisions in such Markets; and likewise for regulating and ordering all other Matters and Things which do or may concern or relate to the said Markets or any of them; and the said Commissioners may from Time to Time, as they shall think fit, repeal, alter, add to, or amend such Rules, Regulations, Orders, and Bye Laws, or any of them, and shall ascertain and therein set down what pecuniary

Power to make Rules and Bye Laws.

pecuniary and other Penalties or Forfeitures shall be incurred by Persons breaking or evading such Rules, Regulations, Orders, and Bye Laws, or any of them: Provided always, that no pecuniary Penalty shall exceed the Sum of Five Pounds for any One Offence; and such Rules, Regulations, Orders, and Bye Laws shall not be repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *Great Britain*, or to the Provisions of this Act; and all Persons so as aforesaid coming and resorting to the said Markets are hereby required to observe and keep such Rules, Regulations, Orders, and Bye Laws as relate to the same Markets, under such Penalties and Forfeitures respectively as shall be ascertained and set down as aforesaid; and all such Rules, Regulations, Orders, and Bye Laws shall be signed by the Clerk to the said Commissioners, and shall be painted on Boards, or printed; and such of them as relate to the said Commissioners, and their Officers, Servants, and other Persons to be employed by them as aforesaid, shall be put up or affixed in some conspicuous Place in the Public Office of the said Commissioners, and such of them as relate to the said Markets shall be put up or affixed in some conspicuous Place or Places in the said Markets; and the same respectively from Time to Time shall be renewed and replaced when and as often as the same shall be altered, obliterated, or defaced; but no Rule, Regulation, Order, or Bye Law shall have any Force or Effect until Ten Days next after the same shall have been affixed as aforesaid: Provided also, that all such Rules, Regulations, Orders, and Bye Laws shall be subject to Appeal in manner herein-after mentioned.

Commis-
sioners to
limit the Time
of the Cattle
Market.

Tolls when
and how to
be paid.

CVIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, as they shall deem expedient, to appoint, appropriate, and limit the particular Time or Times during which any particular Kind or Description of live Cattle, or Beasts, Sheep, or Pigs shall be exposed to Sale in the said Markets, and for their Removal after Sale; and all the Tolls of the said Markets shall become and be due when and as soon as the several Cattle, or Beasts, Sheep, or Pigs, in respect whereof the same are by this Act respectively made payable, shall be brought into the said Markets, and before the same shall be driven or permitted to go into any Pen or Pens, or be tied up in the said Markets; and in case of any Sale thereof in the said Markets, and the Cattle or Beasts, Sheep or Pigs shall not be removed within the Time appointed for the Removal thereof after Sale, then another Toll shall become due for such Cattle or Beasts, Sheep or Pigs, immediately after the Expiration of the Time allowed for the Removal of such Cattle or Beasts, Sheep or Pigs, after the Sale thereof, and shall be forthwith paid to the said Commissioners, or to their Collector, Farmer, Officer, or Servant authorized to receive the same, by the several Owner or Owners of the said Cattle or Beasts, Sheep or Pigs, in respect whereof the same shall be respectively payable, or by the Person or Persons accompanying such Cattle or Beasts, Sheep or Pigs; and if such Owner or Owners or other Person or Persons shall, upon Demand thereof made by the Collector, Farmer, or other Person authorized to receive the same, neglect or refuse to make Payment of the said Tolls or of any Part or Parts thereof, it shall be

be lawful for the said Commissioners, or their Collector, Farmer, or other Person so authorized to receive the same, either by himself or with Assistants, to detain, seize, and distrain the Cattle or Beasts, Sheep or Pigs, in respect whereof such Tolls shall become due and payable, or any of them, or any of the Goods or Chattels of the Person or Persons so neglecting or refusing to pay the same as aforesaid; and if such Tolls, and the reasonable Charges of such Detention and Distress, and of the keeping and maintaining the Things distrained, shall not be paid, such Collector, Farmer, or other Person authorized as aforesaid shall and may, at the Expiration of Four Days thereafter, sell and dispose of the said Cattle or Beasts, Sheep or Pigs, or other Goods or Chattels so distrained, or any Part thereof, and out of the Monies which shall arise by such Sale shall pay and retain such Tolls, and all reasonable Charges incurred by such Detention, Distress, and Sale, paying and returning the Overplus (if any) of the said Monies, and such of the said Things distrained as shall remain unsold (if any there shall be), upon Demand, to the Owner or Owners thereof, or the Person or Persons in whose Possession the same shall have been when so detained and distrained as aforesaid, or as he, she, or they shall direct.

CIX. And be it further enacted, That it shall be lawful for the said Commissioners to erect, provide, and appoint One or more public Weighing and Measuring House or Houses, Place or Places, at, in, or near to the said Market Places, for weighing or measuring such Meat, Fish, Goods, Articles, or Things as shall be bought or sold by Weight or Measure in the said Markets, and to keep good and sufficient Standard Weights, Scales, Steelyards, and Measures, and to appoint the Inspector or Inspectors, Looker or Lookers of the said Markets, or some other Person or Persons, to attend the same on every Market Day, and to ask, demand, receive, and take the Toll hereby authorized for weighing and measuring aforesaid; and all and every the Person or Persons selling Meat, Fish, Goods, or other Things by Weight or Measure in the same Markets, shall weigh and measure the same in and by the said Weights or Measures, Scales or Steelyards as aforesaid, if required by the Buyer or Buyers thereof to be so weighed or measured, and shall pay the Tolls hereby authorized to be taken for weighing and measuring the same; and in case any Person or Persons shall refuse to weigh and measure as aforesaid, he, she, or they shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Power to appoint a Weighing Place, and to have good Weights, &c. for weighing Articles.

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

Inspectors to seize unwholesome Meat and false Measures.

CXI. And be it further enacted, That it shall not be lawful for any Person or Persons to kill, slaughter, or dress, or cause to be killed, slaughtered,

No Cattle to be slaughtered in the

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Market
Places, nor
Stalls to be
set up in the
Streets.

slaughtered, or dressed, any Beast, Swine, Calf, Sheep, or other Cattle in the said Market Places, or within the Limits thereof, except in such Slaughter Houses or other Buildings as are or shall be erected and set apart for that Purpose by or under the Authority of this Act; nor shall any Person or Persons, after the said Market Place or Market Places is or are completed, or made fit and proper for holding Markets therein, erect or hold any other Market within the said Town, or put, place, or set up, or cause to be put, placed, or set up, any Stall, Shed, Standing, or other Convenience, or any Basket, Hamper, Barrow, Stool, Chair, Table, or Board, for the Purpose of showing or selling or exposing to Sale, or in any Manner whatever expose to Sale, any Butcher's Meat, Fish, Vegetables, or other marketable Commodities, Articles, Matters, or Things, on any of the public Footpaths or Highways, or other open or public Place or Places in the said Town, other than within the Limits of the said Market Place or Market Places, upon pain of every Person so offending, on Conviction before One or more Justice or Justices of the Peace for the County Palatine of *Lancaster* or for the County Palatine of *Chester* (as the Case may be), forfeiting and paying any Sum not exceeding Five Pounds.

List of Tolls,
&c. to be
affixed in
conspicuous
Places.

CXII. Provided always, and be it further enacted, That the said Commissioners shall from Time to Time cause to be painted on Boards, or printed, and affixed and stuck up, and continued and renewed as often as the same shall be obliterated or defaced, in conspicuous Places in the said Market Places, in large and legible Characters, an Account or List of the several Tolls, Stallage, Rents, or Sums of Money which the said Commissioners shall from Time to Time direct and appoint to be taken from every Person liable to the Payment of the same or any Part thereof respectively.

Penalty on
refusing or
evading Pay-
ment of
Tolls.

CXIII. And be it further enacted, That if in any Case any Person holding, using, or in any Manner occupying any of such Buildings, Sheds, Stalls, Standings, Bulks, Tressels, Blocks, or other Conveniences, Standing Places, or Stations as aforesaid, or selling or offering or exposing to Sale any Butcher's Meat, Fish, or any other Goods, Commodities, Articles, or Things, in any of the said Markets, shall, upon Demand thereof made by the Collector, Farmer, or other Person or Persons authorized to receive the said several Tolls, Stallage, Rents, and Sums of Money aforesaid, neglect or refuse to pay, or shall evade the Payment of the same, or any or either of them, or any Part thereof, then and in such Case, and so often as it shall happen, it shall be lawful for the said Collector, Farmer, or other Person or Persons so authorized to receive the same, either by himself or his Assistants, to levy the same by Distress and Sale of all or any Goods, Articles, and Things offered or exposed to Sale in the said Markets by such Person as aforesaid, and the Distress or Distresses so taken to sell immediately, paying and returning the Overplus (if any) of the said Monies, and such of the said Things distrained as shall remain unsold (if any there shall be), upon Demand, after deducting the Expences of such Distress and Sale, to the Person or Persons whose Property, or in whose Possession such Goods, Articles, or other Things were at the Time of every such Distress.

CXIV. And be it further enacted, That if any Dispute or Disputes shall happen respecting the demanding or taking or the Payment of Toll, Duty, Rent, or Stallage, or about the Amount thereof due, or the Charges of keeping or selling any Distress, such Dispute or Disputes shall be heard and determined by any Justice of the Peace for the said County Palatine of *Lancaster* or for the said County Palatine of *Chester* (as the Case may be), who, upon Application made to him for that Purpose, shall examine the Matter on Oath of the Parties or other Witness or Witnesses, (which Oath the said Justice is hereby authorized and empowered to administer,) and shall determine the Amount of the Toll, Stallage, Rent, or Sum or Sums of Money due, and other Matters in dispute between the Parties, and may also award such Costs to be paid by either Party to the other, as to such Justice shall seem just and reasonable; all which Costs, in case the same shall not be forthwith paid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons so awarded or directed to pay the same, by Warrant under the Hand and Seal of such Justice (which Warrant every such Justice is hereby empowered to issue); and the Overplus (if any), after Payment of such Costs, and the Costs of such Distress and Sale, shall be returned, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained, or in whose Possession they were at the Time of such Distress.

Disputes concerning Tolls to be settled by a Justice.

CXV. And be it further enacted, That it shall be lawful for the said Commissioners to demise and let to farm the Whole or any Part of the Tolls, Stallage, Sums of Money, or Profits to be collected or arise from or in respect of the said Markets and Market Places, or any of them, to any Person or Persons who shall be willing to take or farm the same, either by public Auction or private Contract; and also to let all or any of the Shambles, Standings, Sheds, Stalls, Blocks, Bulks, Tressels, and other Conveniences, Standing Places, and Stations, to be erected, provided, and set out as aforesaid, for such Time, not exceeding Three Years at any one Time, at such Rent and Rents, and upon such Terms and Conditions, and with such Securities for the Payment thereof, as shall be agreed upon and contracted for by and between the said Commissioners and the Person and Persons respectively to whom such respective Letting shall be made.

Power to let Tolls, &c.

CXVI. Provided always, 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, if they shall see Occasion or think fit, (with the Consent and Approbation of the Person or Persons for the Time being entitled to Three Fourth Parts of the Money which shall be then due and owing upon the several Securities to be granted in pursuance of this Act,) to reduce, lower and abate the said Tolls, Stallage, Rents, and Sums of Money, or any of them, by this Act made payable, in such Proportions and Manner as to the said Commissioners shall seem expedient; and after the same shall have been so reduced and abated, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to augment and raise the said Tolls, Stallage, Rents, and Sums of Money

Power to reduce Tolls.

Money so reduced and abated, to any Sums not exceeding the Amount thereof fixed and made payable in, and by this Act; and the said Commissioners shall, immediately upon every such Reduction or Augmentation of the said Tolls, Stallage, Rents, and Sums of Money, cause Notice thereof, painted on Boards or printed, to be set up and fixed in conspicuous Places in the said Market Places, with a Table of the Tolls, Stallage, Rents, and Sums of Money so reduced or augmented and raised, and authorized and directed to be thenceforth taken.

Penalty for defacing Buildings, &c. within the Limits of the Markets.

CXVII. And be it further enacted, That if any Person or Persons shall take away, remove, destroy, deface, injure, or pull up any Building, Wall, Gate, Fence, Post, Rail, or Erection, Flagging, or Pavement in, upon, or within the Limits of the said Market Places, or any Board, Notice, or Inscription which shall be fixed or set up in or near to the same by the Order of the said Commissioners, or destroy, damage, or injure any of the Stalls, Shambles, Standings, Sheds, Bulks, and other Conveniences to be erected, set up, or used in the said Market Places or the Limits thereof, or belonging to the said Commissioners, every Person offending in any of the Cases last aforesaid shall forfeit and pay such Sum of Money, not exceeding the Sum of Five Pounds, as any Justice or Justices of the Peace for the said County Palatine of *Lancaster* or for the said County Palatine of *Chester* (as the Case may be,) shall in that Behalf direct; and also such further Sum of Money as a Compensation for the Damage and Costs which shall have been occasioned by such Offence, as the said Justice or Justices shall in that Behalf award.

Persons not to be prevented from selling in their own Houses and Shops.

CXVIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent or hinder any Person from selling or exposing to Sale any Butcher's Meat, Fish, marketable Goods, Commodities, Articles, Matters, or Things whatsoever, in his, her, or their own private Dwelling House, or in his, her, or their own Shop or Premises, in any Part of the said Town.

Commissioners may erect Weighing Machines.

CXIX. And be it further enacted, That it shall and may be lawful 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 Town 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 at pay and allow any Salary to the Person or Persons having the Charge of any such Weighing Machine, as they shall think proper.

Drivers of Carts, &c. to go to Weigh-

CXX. And be it further enacted, That the Driver of every Waggon, Cart, or other Carriage loaded with any Goods brought into the

the said Town 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 Waggon, Cart, or other Carriage, with or without the Loading thereof, to be weighed at One of the Machines so to be erected and fixed as aforesaid, if any such there shall be, for which no additional Charge shall be made, unless such Waggon, Cart, or other Carriage shall, for the Purposes aforesaid, be required to go a greater Distance from the regular Course of the Road by which it would be otherwise necessary to pass in the conveying of the Goods laden in such Waggon, Cart, or other Carriage, than Half a Mile, including the going to and returning from any such Machine, in which Case the Owners of such Waggon, Cart, or other Carriage 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 other 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 other Carriage, shall be paid and borne by the Person or Persons requiring the same to be weighed as aforesaid.

ing Machines
at Request of
Buyers.

CXXI. And be it further enacted, That in case the Driver or other Person having the Charge of any such Waggon, Cart, or other 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 Palatine of *Lancaster* or for the said County Palatine of *Chester* (as the Case may be), shall forfeit and pay to the Person or Persons requiring such Waggon, Cart, or other 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 aforesaid.

Penalty on
Drivers re-
fusing to go
to Weighing
Machines.

CXXII. And be it further enacted, That if any Owner or Driver, Owners or Drivers of any Waggon, Cart, or other Carriage conveying any Goods, Wares, or Merchandize to the said Town, whose Waggon, Cart, or other Carriage shall be weighed at any Weighing Machine to be erected or provided as aforesaid, or at any other Machine or Engine within the said Town, shall, at or before the Time of weighing the same, place or knowingly have any Article, Matter, or Thing in or about any such Waggon, Cart, or other Carriage, other than and besides the proper Loading thereof, or shall alter any Ticket denoting the Weight of any such Waggon, Cart, or other 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 other Carriage, or the Loading thereof, or, after the weighing of any such Waggon,

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

[Local.]

6 B

Cart,

Cart, or other 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 other 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, Cart, or other Carriage, 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, Cart, or other Carriage 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 other 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, to or within the said Town, and which shall have been weighed at any Machine within the said Town, erected or maintained in pursuance of this Act, shall, after the same Waggon, Cart, or other Carriage, with the Loading thereof, shall 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, or other Carriage, 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 Town, whether erected or provided by virtue hereof, or otherwise, shall weigh any Waggon, Cart, or other Carriage, 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 had 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, Cart, or other Carriage 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 Loading, 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 other Carriage, and also the Weight of the Loading 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 the Loading thereof, 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 other Carriage, or the Loading thereof, or any false Report or Representation of the

6

Weight

Weight of the same respectively ; or if any other Person or Persons whosoever shall knowingly act or assist in the committing of any Fraud respecting the weighing or Weight of any such Waggon, Cart, or other Carriage, or the Loading thereof, which shall be weighed or brought to be weighed at any such Machine, or which shall be alleged to have been weighed at any such Machine ; 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.

CXXIII. And be it further enacted, That the said Commissioners are hereby directed from Time to Time to give Instructions to their Surveyor for the Time being, and the said Surveyor is hereby enjoined, to search for, inquire, and examine into and upon any Complaint to be made or given to him thereof by any Inhabitant of the said Town, forthwith personally to view and inspect all Nuisances, Annoyances, Obstructions, and other Offences done, committed, or suffered within the said Town contrary to any of the Provisions of this Act, and thereupon to lay an Information or Informations against the Offender or Offenders before any One or more of the Justices of the Peace for the said Counties Palatine of *Lancaster* and *Chester*, or either of them, as the Case may be, 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 such Direction given to him as aforesaid, at any Time wilfully neglect or refuse to search for, inquire, and examine into any such Nuisances, Annoyances, Obstructions, or other Offences as aforesaid, or, after any such Complaint made to him as aforesaid, personally to view or inspect the Matters of such Complaint, or shall neglect or refuse to lay 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 any Sum not exceeding Five Pounds.

Surveyor to lay Informations.

CXXIV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to contract and agree with any Body or Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, Tenant or Tenants in Fee Simple or for Life or Years, or in Fee Tail, General or Special, or with any Feoffees in Trust for charitable or other Purposes, Husbands, Testamentary or other Guardians, Committees for Idiots or Lunatics, Executors, or Administrators, or other Trustees whomsoever, not only for and on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Idiots, Lunatics, Femmes Covert, or other Persons under any Disability of acting for themselves, or with any Femmes Covert seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest, or with any others, the Owners or Proprietors for the Time being of any Messuages, Houses, Buildings, Walls, Lands, Tenements, or Hereditaments situate within the said Town, or of any Part or Parts of such aforesaid several Premises, or of any Estate, Right, or Interest therein, for the absolute Purchase of such several Premises, or any of them, or any Part or Parts thereof, or of any Estate,

Power to purchase Buildings, &c. for the Purposes of this Act.

Estate, Right, or Interest therein, which the said Commissioners shall consider proper and necessary to be purchased for all or any of the Purposes of this Act, or as shall be necessary or requisite for the due Execution hereof and the several Powers herein contained; and to take down or alter all or any of such Messuages, Houses, Buildings, Walls, Tenements, and Hereditaments so to be purchased, or any Part or Parts of the same respectively, and also to appropriate all or any Part thereof, or of the Land or Ground which shall be cleared by the taking down of any such Messuages, Houses, Buildings, or Walls, for all or any of the Purposes aforesaid, as the said Commissioners shall think fit.

Commis-
sioners not
to take any
Messuages,
&c., except
those men-
tioned in the
Schedule,
without
Consent.

CXXV. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to take or make use of any Messuages, Houses, Buildings, Walls, Lands, Tenements, or Hereditaments, for the Purposes of this Act, without the Consent in Writing of the Owners thereof, except such as are mentioned in the First Schedule annexed to this Act; and except in such Cases where any Houses or Buildings shall by the Owner or Owners thereof be taken down, wholly or in part, for the Purpose of being rebuilt or new fronted, or shall be burnt down; and Compensation shall be directed to be made to the Owners or Proprietors thereof, who shall be required by the said Commissioners to rebuild the same in such Manner as shall be an Improvement to the said Town, according to the Provisions herein-before contained.

Misnomer in
describing
the Premises
not to retard
the Execu-
tion of this
Act.

CXXVI. And be it further enacted, That if any of the Houses, Buildings, Lands, Tenements, or Hereditaments which are mentioned or described in the First Schedule to this Act annexed, or any of the Owners thereof, or of the Persons in whose Occupation or Possession the same or any Part thereof are or is stated or described to be, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Execution of this Act, but the same Premises, and every Part thereof, shall and may be purchased and conveyed, disposed of and applied to and for the Purposes of this Act, as fully and effectually as if the same were more properly named and described in the said Schedule, provided it shall appear to any Two Justices of the Peace for the County wherein the same Houses, Buildings, Lands, Tenements, or Hereditaments are situate, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake only, or that the real Owners or Occupiers of such Houses, Buildings, Lands, Tenements, or Hereditaments, had previous Notice that the same respectively would be wanted for the Purposes of this Act.

Power given
to purchase
limited to
Five Years.

CXXVII. Provided always, and be it further enacted, That if the said Commissioners shall not, within the Space of Five Years next after the passing of this Act, agree for or cause to be valued and paid for, in manner directed by this Act, the several Lands, Houses, Buildings, and other Premises mentioned in the First Schedule to this Act annexed, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth
the

with the Amount of Six Calendar Months Interest on the Principal Money, by the said Commissioners or their Clerk, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Commissioners, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Commissioners or their Clerk, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months, then on Payment of the Principal and Interest so due on such Mortgage or Mortgages, such Mortgagee or Mortgagees shall convey, assign, and transfer the said Mortgage or Mortgages, and his, her, or their Interest in the Premises, to the said Commissioners, or to such Person or Persons as they shall appoint in Trust for them; but in case such Mortgagee or Mortgagees shall refuse to convey or assign, on such Tender or Payment as aforesaid, then all Interest on every such Mortgage shall from the Time of such Tender or Expiration of such Notice cease and determine: Provided always, that in case the Sum due upon every such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of such Messuages, Buildings, Lands, Tenements, or Hereditaments, or the Part or Parts thereof which shall be taken for the Purposes of this Act, then the said Commissioners shall not be liable to pay the Mortgagee or Mortgagees any more than the real Value of such Premises; which Value, in case the Parties cannot agree upon the same, shall be ascertained and settled by a Jury in like Manner as the Value of other Lands or Hereditaments wanted for the Purposes of this Act is herein-after directed to be ascertained and settled.

Corporate
Bodies may
sell.

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

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

CXXXII. Provided always, and be it further enacted, That if any such Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, Tenants in Fee Simple, or for Life or for Years, or in Fee Tail, General or Special, Feoffees, Husbands, Guardians, Committees, Executors, or Administrators, Trustees and other Person or Persons whomsoever, in anywise interested in such Messuages, Buildings, Lands, Tenements, or Hereditaments required to be purchased and taken for the Purposes of this Act, and in the First Schedule to this Act particularly mentioned and described, or any Occupier or Occupiers thereof, sustaining any Loss, Injury, or Damage, (upon Notice to him, her, or them given, or left in Writing at the Dwelling House or Houses, or usual or last Place or Places of Abode of the Principal or Head Officer or Officers of such Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations, Tenants in Fee Simple, or for Life or for Years, or in Fee Tail, General or Special, Feoffees, Husbands, Guardians, Committees, Executors, or Administrators, Trustees and other Person or Persons, or at the House of the Tenant or Tenants in Possession of such Messuages, Buildings, Lands, Tenements, or Hereditaments intended to be purchased and taken for the Purposes of this Act,) shall, for the Space of Fourteen Days next after such Notice given or left as aforesaid, neglect or refuse to treat and agree, or shall not agree, for the Sale of the said Premises, or by reason of Absence, or Disability shall be prevented from treating and agreeing, or cannot be found or known, or shall not produce a clear Title to the Hereditaments they are in Possession of, or the Interest they claim therein, to the Satisfaction of the said Commissioners, then and in every such Case the said Commissioners shall cause the Value and Recompence to be made for such Messuages, Buildings, Lands, Tenements, or Hereditaments, to be inquired into and ascertained by a Jury of Twelve indifferent Men of the County wherein the same Messuages, Buildings, Lands, Tenements, or Hereditaments shall be situate; and for the summoning and

On Persons refusing to treat or to sell, Jury to be summoned to assess Value, &c.

and returning such Jury, the said Commissioners are hereby empowered from Time to Time to issue out their Warrant or Warrants to the Sheriff of the said County, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons, qualified to serve upon Juries at the Sessions of the same County, and who are respectively seised and possessed of Freehold, Copyhold, or Leasehold Estates within the said County, of the annual Value of Fifty Pounds, to appear before the said Sheriff at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Sheriff is hereby required to impanel, summon, and return such Number accordingly to attend at the Time and Place so appointed; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Sheriff is hereby empowered to swear Twelve to be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Sheriff is hereby also required and empowered from Time to Time, as Occasion shall be and require, to summon and call before the said Jury, and examine upon Oath, (which Oath the said Sheriff or his Under Sheriff is hereby empowered to administer,) all and every Person and Persons who shall be thought necessary and proper to be examined as Witnesses or Witness touching or concerning the Premises; and the said Sheriff shall also order and cause the said Jury to view the Places in question, if there be Occasion, and use all lawful Ways and Means as well for his own as for the said Jury's better Information in the Premises, as the said Sheriff shall think fit; and the said Jury shall assess the Damages and Recompence to be given for the said Messuages, Buildings, Lands, Tenements, or Hereditaments, to the respective Owner or Owners thereof, according to their respective Interests therein, and shall give in their Verdict thereupon; and after the said Jury shall have inquired of and assessed such Damage and Recompence, and given in their Verdict, the said Sheriff shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid to the Person or Persons interested in the said Messuages, Buildings, Lands, Tenements, or Hereditaments, according to such Verdict or Inquisition of the said Jury.

Verdict of
the Jury to
be final.

CXXXIII. And be it further enacted, That such Verdict or Inquisition of the said Jury, and the Judgment, Order, or Determination thereupon so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Tenants in Fee Simple, or for Life or for Years, Tenants in Tail, and all Infants, Issue unborn, Idiots, Lunatics, Femes Covert, Bodies Politic or Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees, as well absent as present, claiming in Possession, Reversion, Remainder, or Expectancy, or otherwise, and against their several and respective Heirs, Successors, Executors, and Administrators, and against all other Person and Persons whomsoever; and all

all and every such Owners and other Persons in anywise interested in such Messuages, Buildings, Lands, Tenements, or Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Remainder, Reversion, Interest, or Property of, in, to, or out of the same; and on Payment of the Money so assessed to the respective Persons entitled thereto, or their Agents, or upon paying the same into the Bank of *England* in manner by this Act directed, and after such Payment it shall be lawful for the said Sheriff to cause the Premises in respect whereof such Money shall be assessed to be disposed of, and such Acts to be done thereto, as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase or Consideration Money had been received by the Person or Persons entitled thereto, and thereupon the Premises shall absolutely vest in the said Commissioners, and they shall be and be deemed to be in the actual Seisin and Possession thereof to all Intents and Purposes whatsoever; and every Verdict and Judgment thereupon as aforesaid shall be transmitted to and fairly entered and kept amongst the Records of the Quarter Sessions of the Peace for the County wherein the same Messuages, Buildings, Lands, Tenements, or Hereditaments shall be situate, and a Duplicate of such Verdict or Judgment shall be kept by the Clerk to the said Commissioners for the Time being, and the same, or true Copies thereof, shall be admitted, received, and taken as Evidence and Proof in all Courts of Law and Equity in all Places whatsoever, and all Persons shall have recourse to them *gratis*, and may have Copies thereof, paying Sixpence for every One hundred Words, and so in proportion for any less Number of Words; and the said Sheriff acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, without some sufficient Excuse, or who shall refuse to be sworn on such Jury, or being so sworn shall refuse to give or shall not join in giving his Verdict, or shall in any other Manner wilfully neglect his Duty therein contrary to the true Intent and Meaning of this Act, and on any Person or Persons who, being summoned to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without some sufficient Excuse, or appearing shall refuse to be sworn or give Evidence, so as such Fine to be imposed on any Jurymen or Witnesses shall not exceed the Sum of Ten Pounds for any One Offence.

CXXXIV. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered by, for, or on behalf of the said Commissioners, as a Recompence or Satisfaction for any such Messuages, Buildings, Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as aforesaid, and in any Case where any Person or Persons, Party or Parties, shall have been prevented, by Absence from *Great Britain*, from entering into Treaty with the said Commissioners, all the Costs and Charges in-

By whom
Expenses of
Jury shall
be paid.

[Local.]

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curred

incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Commissioners out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Parties entitled to receive the same within Ten Days next after Demand made thereof from the said Commissioners, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Commissioners, or of any Goods or Chattels of the Treasurer or Treasurers of the said Commissioners, (unless such Treasurer or Treasurers shall pay such Costs and Charges out of any Monies received by him by virtue of this Act, which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the County wherein the same Messuages, Buildings, Lands, Tenements, or Hereditaments shall be situate, which Warrant any such Justice is hereby authorized and required to issue, under his Hand and Seal, on Application made to him for that Purpose by the Party or Parties entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Commissioners as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned, and by the said Commissioners; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be settled and ascertained by any Justice of the Peace for the County wherein the said Messuages, Buildings, Lands, Tenements, or Hereditaments shall be situate, not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said Commissioners as aforesaid, the Amount thereof, having been first paid by the said Commissioners, may be deducted by them out of the Monies awarded to be paid to such Party or Parties, as so much Money advanced for his, her, or their Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Commissioners from the Party or Parties liable to the Payment thereof, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Common Pleas of the County Palatine of *Lancaster*, or in the Court of Great Session of the County Palatine of *Chester* (as the Case may be), together with full Costs of Suit.

Tenants for
Years or at
Will to de-
liver Posses-
sion on Six
Months
Notice.

CXXXV. And be it further enacted, That every Lessee or Tenant for Years, or from Year to Year, or at Will, Mortgagee, and every other Person in Possession of any Messuages, Buildings, Lands, Tenements, or other Hereditaments which shall be purchased or taken by virtue and for the Purposes of this Act, shall deliver up the Possession

of such Premises to the said Commissioners, or to such Person or Persons as they the said Commissioners shall appoint to take Possession of the same, upon having Six Calendar Months Notice from the said Commissioners or their Clerk to quit the same, at such Time or Times as shall be required by such Notice, they the said Commissioners making such Satisfaction and Compensation to every such Tenant or Lessee or other Person as aforesaid (except a Mortgagee), in case he, she, or they shall be required to quit before the Expiration of his, her, or their Term or Interest in the Premises, as the said Commissioners shall deem just and reasonable; and in case any Dispute or Difference shall arise touching or concerning the same, such Satisfaction and Compensation shall be ascertained and settled by a Jury in such and the like Manner as the Satisfaction and Compensation to be made by the said Commissioners for the Purchase of any Messuages, Buildings, Lands, Tenements, or Hereditaments, is and are herein directed to be ascertained and settled in case of any Dispute or Difference about the same; and such Lessee, Tenant, or other Person aforesaid in Possession, shall, at such Time or Times as he, she, or they shall be required by the said Commissioners, peaceably and quietly deliver up the Possession of the said Premises to the said Commissioners, or to the Person or Persons authorized by them to take Possession thereof; and if any such Lessee, Tenant, or other Person aforesaid, so in Possession as aforesaid, shall refuse or neglect to deliver up such Possession, then and in every such Case it shall be lawful for the said Commissioners to issue their Precept or Precepts to the said Sheriff to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs and Charges as shall accrue from the issuing or Execution of such Precept or Precepts on the Person or Persons so refusing to deliver up Possession as aforesaid, by Distress and Sale of his, her, or their Goods and Chattels.

CXXXVI. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by such Juries in manner aforesaid, for the Purchase of any such Houses, Buildings, Lands, Tenements, or other Hereditaments, or as a Compensation for Damages, as herein mentioned, to the Proprietor or Proprietors of such Houses, Buildings, Lands, Tenements, or other Hereditaments, or to such other Person or Persons as shall be interested therein or entitled to receive such Money or Compensation respectively, within One Calendar Month next after the same shall be so agreed for or assessed, or upon Payment of the said Sum or Sums of Money, within the said One Calendar Month, into the Bank of *England*, as herein-after directed and required, for the Use of the Person or Persons entitled thereto, it shall be lawful for the said Commissioners, and their Agents, Workmen, and Servants, to enter upon such Houses, Buildings, Lands, Tenements, and other Hereditaments respectively, and then and thereupon such Houses, Buildings, Lands, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested
in

On Payment of Money, Property to vest in the Commissioners.

in and become the sole Property of the said Commissioners, as Freehold of Inheritance, to and for the Purposes of this Act for ever; and such Payment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder of his or their Issue and of every other Person whomsoever therein: Provided nevertheless, that in case any Person or Persons shall enter upon any such Premises, for any of the Purposes of this Act, before such Payment or Deposit into the Bank of *England* as aforesaid shall have been made, every Person or Persons so offending shall forfeit and pay the Sum of Ten Pounds for every Day he, she, or they shall remain on the said Premises.

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

Proviso as to
Lands, &c. of
the Earl of
Stamford and
Warrington.

CXXXVII. And whereas some Part or Parts of the said Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, may happen to be more than will be necessary for the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to sell or dispose of and to convey, or cause to be sold or disposed of and conveyed, such Part or Parts of the said Houses, Buildings, Lands, Tenements, or Hereditaments to be vested in them by virtue or in pursuance of this Act, to any Person or Persons willing to contract, agree for, or purchase the same; and the Money arising therefrom shall be paid and applied for the Purposes of this Act: Provided nevertheless, that nothing herein contained shall authorize or empower the said Commissioners to sell or convey or otherwise dispose of all or any of the Houses, Buildings, Lands, Tenements, or Hereditaments mentioned and comprised in the First Schedule annexed to this Act, and which shall be given or conveyed unto the said Commissioners, for the Purposes of this Act, by the Right Honourable *George Harry Earl of Stamford and Warrington*, without the Consent in Writing of the said Earl, his Heirs or Assigns, Lord or Lords for the Time being of the Manor in which such Houses, Buildings, Lands, Tenements, or Hereditaments shall be respectively situated.

First Offer to
be made to
the Person
from whom
the same
shall have
been pur-
chased.

CXXXVIII. Provided always, and be it further enacted, That in case the said Commissioners shall think proper to sell or dispose of all or any of the same Houses, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, as may not be necessary to be made use of for the Purposes of this Act, they shall first offer the same (except any Space of Land which may be wanted for widening the Streets or Highways in the said Town,) for Sale to the Person or Persons from whom the same shall have been purchased, or who shall have given or conveyed the same unto the said Commissioners; and if such Person or Persons shall then and thereupon refuse or shall not agree (except with respect to or on account of the Price thereof,) to purchase the same respectively, on an Affidavit being made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County Palatine of *Lancaster* or for the said County

County Palatine of *Chester*, as the Case may be, (who are hereby respectively empowered to take such Affidavit,) by some Person or Persons no way interested in the said Houses, Buildings, Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Commissioners, and that such Offer was then and there refused or was not agreed to by the Person or Persons to whom the same was made, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing such Houses, Buildings, Lands, Tenements, or Hereditaments, and he, she, or they, and the said Commissioners, shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be settled and ascertained by a Jury in such and the like Manner as any Sum or Sums of Money to be paid by the said Commissioners for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments, is or are herein-before directed to be settled and ascertained in case of any Difference or Dispute about the same, and the same shall be recovered, levied, and applied in such and the like Manner, and the Costs and Expences of hearing and determining such Differences shall be borne and paid in like Manner as herein-before directed, *mutatis mutandis*; and all the Money to arise by such Sale shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Purchase Money.

CXXXIX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act for the Purposes of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein-before is mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of His Majesty's Court of Exchequer at *Westminster*, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money may be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Houses, Buildings, Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof,

Application
of Com-
pensation
Money, if
amounting
to 200*l.*

1 G. 4. c. 35.

[*Local.*]

6 E

thereof,

thereof, as the said Court shall authorize to be paid, affecting the same Houses, Buildings, Lands, Tenements, or Hereditaments; or affecting other Houses, Buildings, Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, or upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Houses, Buildings, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making the Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until such Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Houses, Buildings, Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When less
than 200*l.*
and exceed-
ing 20*l.*

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

without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

CXLI. And be it further enacted, That when such Money so agreed or awarded to be paid as aforesaid shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Houses, Buildings, Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then the same shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application when not more than 20*l.*

CXLII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, or of any Estate or Interest therein, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners; or in case such Person or Persons to whom such Sum or Sums of Money shall be awarded as aforesaid cannot be found; or if the Person or Persons entitled to such Houses, Buildings, Lands, Tenements, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Commissioners to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Houses, Buildings, Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, or Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank.

CXLIII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Houses, Buildings, Lands, Tenements,

Respecting disputed Titles to Money.

ments, or Hereditaments, or of any Estate, Right, or Interest in any Houses, Buildings, Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in Possession of such Houses, Buildings, Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Houses, Buildings, Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the said Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Houses, Buildings, Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court may order reasonable Expences of Purchases to be paid by the Commissioners.

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

Commissioners may enter into Contracts.

CXLV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to enter into any Contract or Contracts for doing any of the Works by this Act authorized to be done, or for furnishing any Materials, Implements, Labour, or other necessary Matters and Things whatsoever for the Performance thereof, or for any other of the Purposes of this Act, with any Person or Persons who shall be willing to undertake and engage in the same: Provided always, that no such Contract shall be made for a longer Term than Three Years from the making thereof; and before any such Contract or Contracts shall be entered into Ten Days public Notice at the least shall be given, expressing the Purpose or Purposes of the Contract or Contracts intended to be made, in order that Persons willing to undertake the same may make Proposals to the said Commissioners, at a certain

certain Time and Place in such Notice to be specified; and all such Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works are to be completed, together with the Penalties to be incurred in Cases of Nonperformance of such Contracts respectively; and the same shall be signed by the said Commissioners, or any Three or more of them, and also by the Person or Persons contracting to perform such Works respectively; and Copies of all such Contracts shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners.

CXLVI. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to compound and agree with any Person or Persons who shall have entered into any Contract or Contracts with the said Commissioners in pursuance or under the Authority of this Act, for any Penalty or Penalties contained in any such Contract or Contracts, or in any Bond or Bonds, or other Security or Securities, for such Sum or Sums of Money, or other Recompence, as the said Commissioners shall think proper.

Commissioners may compound for Breach of Contract.

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

Commissioners exempted from personal Responsibility in Contracts, &c.

CXLVIII. And be it further enacted, That for the Purpose of altering, widening, diverting, turning, or extending, paving, flagging, or otherwise constructing, improving, soughing, repairing, and amending the present and future public Streets, Lanes, Roads, Highways, and Passages and other public Places (except Market Places) within the said Town of *Stalybridge*, it shall be lawful for the said

Highway Rate.

[*Local.*]

6 F

Commissioners,

Commissioners, and they are hereby authorized, empowered, and required, when and so often as they shall think necessary, at any Meeting or Meetings to be holden for that Purpose, to order and direct a Rate or Rates, Assessment or Assessments, to be called "The Highway Rate or Assessment," to be made, charged, or levied upon the Tenants or Occupiers of all Messuages, Houses, Shops, Workshops, Warehouses, Cellars, Vaults, Manufactories, Foundries, Mills, Stables, Coach Houses, and other Buildings and Erections already built, erected, or made, or which shall hereafter be built, erected, or made, or situate, standing, or being within or forming Part of the said Town, and upon the several Gardens, Curtilages, Yards, and other Conveniences thereto adjoining and belonging or therewith occupied, and upon all Gardens, Lands, Tenements, and Hereditaments within the Limits of the said Town, according to the annual Rent or Value of the same respectively, to be ascertained, settled, and fixed by the said Commissioners; provided that the said Rate hereby authorized to be made as aforesaid, called "The Highway Rate," shall not in any One Year exceed the Sum of Four Shillings in the Pound upon such annual Value as aforesaid, except in Cases where a larger Rate may be necessary, in consequence of any Indictment or Indictments for not repairing the Roads in the said Town.

Police and
Improve-
ment Rate.

CXLIX. And be it further enacted, That for the Purpose of erecting, building, and providing the said Market Place or Market Places, Public Offices, Lock-up Houses, Watch-houses, Watchboxes, Fire Engine Houses, Fire Engines, and all other Buildings, Places, Matters, and Things authorized by this Act to be erected, made, and provided, and for ever after keeping the same respectively in good Repair and Condition, and for defraying the Expences of lighting, cleansing, and watching the said Town of *Stalybridge*, and supporting the Police thereof as by this Act authorized to be established, and all Costs, Charges, and Expences incident or relating thereto, and also for doing, performing, and executing all other Powers, Authorities, Acts, Matters, and Things by this Act authorized to be done, performed, and executed by the said Commissioners, (except the altering, widening, diverting, turning, or extending, paving, flagging, or otherwise constructing, improving, soughing, repairing, and amending the present and future public Streets, Lanes, Roads, Highways, Passages, and other public Places (except Market Places within the said Town,) it shall be lawful for the said Commissioners, and they are hereby authorized, empowered, and required, when and so often as they shall think necessary, at any Meeting or Meetings to be holden for that Purpose, to direct another Rate or other Rates, Assessment or Assessments, to be called "The Police and Improvement Rate or Assessment," to be made, charged, or levied upon the Tenants or Occupiers of all Messuages, Houses, Shops, Workshops, Warehouses, Cellars, Vaults, Manufactories, Foundries, Mills, Stables, Coach Houses, and other Buildings and Erections already built, erected, or made, or which shall hereafter be built, erected, or made, or situate, standing, or being within or forming Part of the said Town, and upon the several Gardens, Curtilages, Yards, and other Conveniences thereto adjoining and belonging or therewith occupied, and upon all Gardens, Tenements, and Hereditaments adjoining to or upon

upon or contiguous to any of the Streets, Lanes, Ways, Roads, Passages, or other public Places which are already made or which shall hereafter be made within the said Town (except as herein-after is excepted), according to the annual Rent or Value of the same respectively, (to be ascertained, settled, and fixed by the said Commissioners,) not exceeding in any One Year the Sum of One Shilling and Sixpence in the Pound upon such annual Rent or Value, without the Consent of the Inhabitants at large of the said Town, signified in the Manner required by Law for the Regulation of Parish Vestries, at some public Meeting convened for the Purpose of considering the Propriety of making any additional Rate, and of which Meeting Twenty-one Days Notice at the least shall be given in the Manner herein-before directed for giving Notices under this Act: Provided always, that the whole Rate or Rates to be made by virtue of this Act for the Purposes last-mentioned, under the Title or Name of "The Police and Improvement Rate or Assessment," shall never in any One Year exceed the Sum of Two Shillings and Sixpence in the Pound upon such Rent or Value.

CL. And be it further enacted, That the several Rates or Assessments authorized by this Act to be made, charged, or levied as aforesaid, shall be assessed, levied, and raised by such yearly, half-yearly, quarterly, or other Payments, as the said Commissioners shall think fit and direct, and shall be paid to and levied and collected by any Person or Persons to be appointed Collector or Collectors by the said Commissioners, and shall when collected be paid to the Treasurer or Treasurers for the Time being to the said Commissioners, and shall be and the same are hereby vested in the said Commissioners; and separate and distinct Books of Accounts shall be kept of the Monies raised by and under the said respective Assessments, or under any Mortgage or Mortgages to be made or granted by virtue of this Act, and the Investment and Application thereof respectively, so that the same Monies respectively may not be confused or blended together, or applied to other or different Purposes from those for which the same are respectively intended and hereby authorized to be levied and raised as aforesaid.

Assessment and Collection of Rates, which shall be vested in the Commissioners.

Separate Books of Accounts of the different Rates, and the Application thereof, to be kept.

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

Commissioners may inspect Poor Rates.

CLII. And be it further enacted, That if any Person or Persons rated or assessed as aforesaid shall neglect or refuse to pay his, her, or their Proportion of any of the said Rates or Assessments respectively, for the Space of Fourteen Days next after personal Demand thereof,

Rates to be recoverable by Distress or Action.

or

or Demand in Writing left at the usual or last Place of Abode of such Person or Persons, the same shall be levied and recovered on all and every such Person or Persons so neglecting or refusing by Distress and Sale of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal of any One Justice of the Peace acting for the said County Palatine of *Lancaster* or for the said County Palatine of *Chester* (as the Case may be); and the Overplus (if any) of the Monies to be raised by such Distress and Sale shall be returned to the Owner or Owners of the Goods and Chattels distrained and sold, after deducting all Charges attending such Distress and Sale: Provided always, that nothing herein contained shall prevent the said Commissioners from recovering any such Rate or Assessment, where the same amounts to or exceeds the Sum of Five Pounds, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Common Pleas at *Lancaster*, or in the Court of Great Session at *Chester*, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance, shall be allowed.

Recovery of Rates from Persons removing.

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

Form of Warrant of Distress.

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

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

WHEREAS the undersigned Persons, now or late Inhabitants,
 Landlords, Tenants, or Occupiers of Houses, Buildings, Lands,
 Tenements, or Hereditaments, or Parts of Houses, Buildings,
 Lands, Tenements, or Hereditaments within the Town of *Staly-*
bridge aforesaid, have been duly rated and assessed under the
 Authority

‘ Authority of the said Act, and there is now due from them respec-
 ‘ tively the several Sums of Money at their Names herein-after
 ‘ respectively set down, which they have respectively refused or
 ‘ neglected to pay, as appeareth upon due Proof upon Oath to me
 ‘ One of His Majesty’s Justices of the Peace for the said County of
 ‘ [*Lancaster or Chester, as the Case may be*]; and the said several
 ‘ Persons having been summoned to appear before me to answer the
 ‘ Premises, and not having shown any sufficient Cause why such
 ‘ Sums of Money should not be paid: These are therefore in His
 ‘ Majesty’s Name to will and require you, or any of you, forthwith
 ‘ to levy the said several Sums herein-before mentioned by Distress
 ‘ and Sale of the respective Goods and Chattels of the Persons afore-
 ‘ said, rendering to them respectively the Overplus (if any), the
 ‘ reasonable Charges of such Summons, Warrants, Distresses, Sale,
 ‘ and Keeping, being first deducted; and if no sufficient Distress
 ‘ can be had or taken, that then you certify the same to me, to the
 ‘ end that such further Proceedings may be had as the Law doth
 ‘ authorize or direct: And I do hereby strictly charge and command
 ‘ all and singular the Constables and other His Majesty’s Peace
 ‘ Officers for the said Town to be aiding and assisting in all Things
 ‘ relating to the Premises. Given under my Hand and Seal this
 ‘ Day of One thousand

‘ A. B.	-	-	-	Sum due.
‘ C. D.	-	-	-	

CLV. Provided always, and be it further enacted, That no Rate or Assessment (except the Rates or Assessments to be called the Highway Rate or Assessment,) shall be made in pursuance of this Act, upon any Person or Persons for or in respect of his, her, or their being the Occupier or Occupiers of any Dwelling House or other Building, situate in any Street or Place within the said Town, which shall not be lighted or watched under and by virtue of this Act; or upon any Person or Persons for or in respect of his, her, or their being the Occupier or Occupiers of any Dwelling House or other Building situate at a Distance exceeding Two hundred Yards from any such Street or Place which shall be so lighted or watched; nor upon any Person or Persons for or in respect only of his, her, or their being the Occupier or Occupiers of any Dwelling House, Cottage, Cellar, or other such Building, under the actual annual Value or Rent of Three Pounds, such annual Value or Rent to be from Time to Time settled and ascertained by the said Commissioners, either according to the Amount of Rent actually paid by such Occupier or Occupiers, or in such other Manner as the said Commissioners may determine; nor upon any Person who, by reason of his or her Poverty only, is or shall be excused from paying any Rate made for the Relief of the Poor within the said Town; nor upon any Person or Persons for or on account of any Yard, Close, Barn, Stable, or other Building used for the Purpose of Husbandry only, or any Arable, Meadow, or Pasture Land within the said Town; nor upon any Person or Persons for or on account of any Almshouse or Charity School, or the Workhouse of the said Town: Provided also, that it shall be lawful for the said Commissioners, in case they shall see fit, by reason of the

Exemptions
from Rates.

[Local.]

6 G

Poverty,

Poverty, Sickness, Want of Work, or Nonemployment of any Person or Persons rated in any Rate or Assessment under this Act, either wholly or in part to excuse such Person or Persons from the Payment of any Rate or Rates under this Act, as they in their Discretion shall think proper; and the said Commissioners shall be also authorized, in Cases where they see fit, to make reasonable Abate-ments from the Rates or Assessments made by or under the Authority of this Act, in respect of any Workshop, Warehouse, Manufactory, Foundry, or Mill, the Workpeople whereof shall be either wholly or partially unemployed.

Houses are let to several Families.

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

Rates to be apportioned on Persons removing from their Houses.

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

Amendments of Rates by Commissioners.

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

Rates may be inspected, and Copies demanded.

CLIX. And be it further enacted, That Duplicates of all Rates and Assessments made or assessed by virtue of this Act shall be deposited with the Clerk or Treasurer to the said Commissioners,

who shall permit any Person included therein, or any Mortgagee of such Rates or Assessments, to inspect the same, or to take Copies thereof, upon Payment of One Shilling; and such Clerk or Treasurer or other Officer shall, within Ten Days after Demand, deliver a true Copy of such Rates and Assessments, or any Portion thereof, to such Person or Mortgagee as aforesaid, having been first paid for the making of such Copy at the Rate of Sixpence for every One hundred Words; and in case such Clerk or Treasurer or other Officer shall refuse to permit or shall not permit every such Person or Mortgagee to inspect the same, or to take Copies thereof, or shall refuse or neglect to deliver such Copy within the said Ten Days, or at the Rate aforesaid, then and in every such Case every such Clerk or Treasurer shall forfeit and pay any Sum not exceeding Five Pounds.

CLX. And for the more speedily enabling the said Commissioners to execute the Purposes of this Act and the several Powers vested in them; be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, when and so often as they shall think it expedient, to borrow and take up at Interest any Sum or Sums of Money upon the Credit of the Rates or Assessments authorized to be made, levied, and collected by virtue of this Act, under the Name or Title of the Highway Rate or Assessment; and in the Event of the same Sum or Sums of Money being repaid by the said Commissioners, to borrow and take up at Interest, in like Manner, any other Sum or Sums of Money, and so *toties quoties*, but so nevertheless that there shall not be owing upon the Security aforesaid, at any One Time, more than the aggregate Sum of Six thousand Pounds; and also, that it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, when and so often as they shall think it expedient, to borrow and take up at Interest any Sum or Sums of Money upon the Credit of the said Market Places, and the Tolls and Duties, Rents and Profits thereof, and of the Buildings and Premises which may be vested in the said Commissioners for the Time being, and upon the said Rates or Assessments authorized to be made, levied, and collected by virtue of this Act, under the Name or Title of the Police and Improvement Rate or Assessment; and in the Event of the said last-mentioned Sum or Sums of Money being repaid by the said Commissioners, to borrow and take up at Interest, in like Manner, any other Sum or Sums of Money, and so *toties quoties*, but so nevertheless that there shall not be owing upon the Security last aforesaid, at any One Time, more than the aggregate Sum of Six thousand Pounds; and by any Writing or Writings under the Hands and Seals of the said Commissioners, or any Five or more of them, to mortgage, grant, or assign the said Market Places, Tolls, Duties, Rents, Profits, Buildings, and Premises, Rates and Assessments, or any Part or Parts thereof respectively, upon the Credit and Security whereof such Money shall be so advanced or lent, to the Person or Persons who shall advance or lend such Money, or to his, her, or their Trustee or Trustees, as a Security or Securities for the Money so to be borrowed, together with such lawful Interest as the said

Power to
mortgage
Rates, &c.

Commissioners

Commissioners and the Parties lending such Money shall agree upon; and the Charges and Expences of such Security or Securities respectively shall be from Time to Time defrayed by the said Commissioners out of the Money advanced upon such respective Security: Provided always, that no Sum or Sums of Money shall be borrowed or taken up at Interest under the Authority of this Act, but at some General or Special Meeting of the said Commissioners, and of which Meeting, and of the Sum or Sums of Money intended or proposed to be borrowed or taken up at Interest, Fourteen Days Notice at the least shall be given in the Manner herein-before prescribed for the giving of Notices of Meetings of the said Commissioners; and every such Mortgage or Security shall be in the Words or to the Effect following; (that is to say,)

Form of
Mortgage.

BY virtue of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*], we, whose Names and Seals are hereunto subscribed and set, (being Five of the Commissioners acting in the Execution of the said Act,) in consideration of the Sum of _____ advanced and lent by _____ upon the Credit and for the Purposes of the said Act, and paid by him [*or her, or them, as the Case may be,*] to the Treasurer to the said Commissioners, do hereby grant and assign unto the said _____ [*or to his, her, or their Trustee, or Trustees, as the Case may be,*] his [*her, or their*] Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments authorized to be raised, levied, and collected by virtue of the said Act, under the Name or Title of "The Highway Rate or Assessment," [*or under the Name or Title of "The Police and Improvement Rate or Assessment,"*] and also such Proportion of the Tolls, Duties, Rents, and Profits granted or arising, and authorized to be raised, levied, and collected by virtue of the said Act, and also of the Market Places, Buildings, and Premises thereby vested in the said Commissioners, *as the Case may be,*] as the said Sum of _____ Pounds doth or shall bear to the whole Sum to be borrowed, and which shall from Time to Time be owing upon the Credit of the said Rates or Assessments and Premises [*or Tolls, Duties, Rents, Profits, Rates, Assessments, and Premises, as the Case may be,*] to be had and holden from the Day of the Date of these Presents until the said Sum of _____ Pounds, with Interest for the same after the Rate of _____ *per Centum per Annum*, to be paid half-yearly, shall be fully paid and satisfied. In witness whereof we have hereunto set our Hands and Seals, the _____ Day of _____ in the Year of our Lord _____

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

Power to
transfer
Securities.

CLXI. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money to be borrowed as aforesaid, and their respective Executors, Administrators, and Assigns, at any Time or Times, by Writing under their respective Hands and Seals, to transfer the same respectively to any Person or Persons

Persons whomsoever, in the Form or to the Effect following; (that is to say,)

‘ I *A. B.* of [or I *C. D.* of
 ‘ Executor or Administrator of *A. B.* late of
 ‘ or otherwise, as the Case may happen to be], in consideration of the
 ‘ Sum of to me paid by *E. F.* of
 ‘ do hereby assign and transfer unto the said *E. F.*, his Executors,
 ‘ Administrators, and Assigns, a certain Security bearing Date the
 ‘ Day of in the Year of our
 ‘ Lord under the Hands
 ‘ and Seals of Five of the Commissioners for putting into Execution
 ‘ an Act passed in the Ninth Year of the Reign of King *George* the
 ‘ Fourth, intituled [*here set forth the Title of this Act*], and the Prin-
 ‘ cipal Sum of thereby secured, and all
 ‘ Interest now due and hereafter to grow due thereon, with all my
 ‘ Right, Title, and Interest in and to the same. Dated this
 ‘ Day of in the Year of our Lord ’

Form of
Transfer.

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

No Prefer-
ence in Pay-
ment of
Mortgages.

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

Register
Book to be
kept of all
Mortgages
and Secu-
rities.

CLXIV. And be it further enacted, That all and every Person and Persons who have already subscribed or agreed, or who have or hath signed their Names or signified their Consent in Writing, to advance any Money, or who shall or may hereafter subscribe or agree to advance any Money for any of the Purposes of this Act, or for or towards the Expences, Costs, and Charges of obtaining this Act, and their Executors and Administrators, shall and they are hereby required to pay the Amount of such Sum or Sums of Money by them respectively subscribed or agreed to be taken or advanced, or such Part or

For compel-
ling Payment
of Subscrip-
tions.

[Local.]

6 H

Proportion

Proportion of the Amount of such Sum or Sums of Money as shall remain unpaid, or as shall from Time to Time be called for by the said Commissioners, at such Times and Places and in such Manner as shall be directed by the said Commissioners, by Notice in Writing under their Hands or under the Hand of their Clerk or Treasurer; and in case any or either of such Subscribers, their Executors or Administrators, shall refuse or neglect to pay the Amount of such Sum or Sums so called for, at the Time and Place and in manner required for that Purpose, within Twenty-one Days next following, the said Commissioners are hereby empowered to recover the same in an Action of Debt or on the Case, or by Bill, Complaint, or Suit, in the Name of any One or more of the said Commissioners, or of the Clerk or Treasurer of the said Commissioners for the Time being, against the Person or Persons so neglecting or refusing as aforesaid, his, her, or their Executors or Administrators, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Common Pleas at *Lancaster*, or in the Court of Great Session at *Chester*; and after Proof of such Person or Persons having subscribed or agreed to subscribe, and that such Notice was given as aforesaid, a Verdict shall pass and be given for the Plaintiff with full Costs of Suit, and Execution shall issue thereupon, as the Case may require.

Application
of Rates,
Tolls, and
other Monies.

CLXV. And be it further enacted, That the Money to arise and be received by or from the Rates or Assessments authorized to be made, levied, and collected by virtue of this Act, under the Name or Title of "The Highway Rate or Assessment," or which may be borrowed upon the Credit or Security of the said Rates or Assessments, (unless in Cases otherwise expressly directed,) shall be paid, applied, and disposed of in altering, widening, diverting, turning, or extending, paving, flagging, or otherwise constructing, improving, repairing, soughing, and amending the present and future public Streets, Lanes, Roads, Highways, and Passages and other public Places (except Market Places) within the said Town of *Stalybridge*, and in reducing, paying off, and discharging the several Principal Sums of Money which shall be borrowed upon the Credit or Security of the same Rates or Assessments, and the Interest on the same Sums, and in and for carrying into full and complete Execution in all other respects the Intents and Purposes of this Act, so far as the same relates to the altering, widening, diverting, turning, or extending, paving, flagging, or otherwise constructing, improving, repairing, soughing, and amending the present and future public Streets, Lanes, Roads, Highways, and Passages and other public Places (except Market Places) within the said Town; and the Money to arise and be received by or from the Rates or Assessments authorized to be made, levied, and collected by virtue of this Act, under the Name or Title of "The Police and Improvement Rate or Assessment," or which may be borrowed upon the Credit or Security of the said Rates or Assessments, and the Tolls, Duties, Rents, and Profits of the said Markets and Market Places, granted or arising, and authorized to be raised, levied, and collected by virtue of this Act, and of the said Market Places, Buildings, and Premises authorized by this Act to be made, erected, and provided by the said Commissioners within and for

for the said Town (unless in Cases otherwise expressly directed), shall be paid, applied, and disposed of in paying the Purchase Monies and annual Rent or Rents for, and the Costs, Charges, and Expences of and attending or incident to the purchasing of any Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments, or any Estate, Right, or Interest of or in any Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof; which by this Act are authorized to be purchased within the said Town, (except such Messuages, Houses, Buildings, Lands, Tenements, or Hereditaments, or any Estate, Right, or Interest therein, as may be wanted and purchased, taken, or used under the Authority of this Act, for the Purpose of altering, widening, diverting, turning, extending, or otherwise improving any of the present or future public Streets, Lanes, Roads, Highways, and Passages, and other public Places, except Market Places, within the said Town), and in erecting, building, and completing, and afterwards from Time to Time repairing and keeping in repair and improving, the said Market Places and other Places, Buildings, Erections, Conveniences, Matters, and Things authorized by this Act to be erected, built, made, and provided, and in reducing, paying off, and discharging the several Principal Sums of Money which shall be borrowed upon Credit or Security of the same Rates or Assessments, Tolls, Duties, Rents, and Profits, Market Places, Buildings, Erections, and Premises, and in and for carrying into full and complete Execution in all other respects the Intents and Purposes of this Act, (except the altering, widening, diverting, turning, or extending, paving, flagging, or otherwise constructing, improving, soughing, repairing, and amending the present and future public Streets, Lanes, Roads, Highways, and Passages, and other public Places, except Market Places, within the said Town); and the Money to arise and be received by or from the Tolls, Duties, Rents, and Profits of the said Markets and Market Places, granted or arising, and authorized to be raised, levied, and collected by virtue of this Act, shall be paid, applied, and disposed of, in the first place, in repairing, amending, and keeping in good Repair and Condition and improving the Markets and Market Places within the said Town, and afterwards in paying off and discharging the several Principal Sums of Money which shall be borrowed upon the Credit or Security of the said Tolls, Duties, Rents, Profits, Markets, and Market Places, and of the said Rates or Assessments authorized to be made, levied, and collected by virtue of this Act, under the Name or Title of the Police and Improvement Rate or Assessment, and the Interest on the same Sums, and subsequently in paying off and discharging the several Principal Sums of Money which shall be borrowed upon the Credit or Security of the Rates or Assessments authorized to be made, levied, and collected by virtue of this Act, under the Name or Title of "The Highway Rate or Assessment," and the Interest on the same Sums, and ultimately in general Aid and Support of the Rates or Assessments authorized to be made, levied, and collected by virtue of this Act, under the Name or Title of "The Police and Improvement Rate," and for the like Purposes as the said last-mentioned Rate or Assessment is authorized to be paid, applied, and disposed of by this Act.

CLXVI. And

Treasurer
not to pay
Money with-
out an Order.

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

Compensation for
Damages,
&c. may be
levied by
Distress of
the Goods
vested in
Commissioners,
or their
Treasurer.

CLXVII. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by this Act by the said Commissioners to any Person or Persons, as or by way of Compensation or Satisfaction for any Damage, Spoil, or Injury, of any Nature or Kind whatsoever, done or committed by such Commissioners, or any Person or Persons acting by or under their Authority, or for any Costs and Expences relating thereto not hereinbefore otherwise provided for or directed, and such Sum and Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made for that Purpose, then and in every such Case the Amount of such Compensation or Satisfaction, Costs or Expences, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in such Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer or Treasurers for the Time being, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County Palatine of *Lancaster* or for the said County Palatine of *Chester*, as the Case may be, (which Warrant such Justice is hereby authorized and required to grant under his Hand and Seal,) on Application made to him for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any Damage, Spoil, or Injury as aforesaid, or for any Costs or Expences as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case the Overplus shall be returned, on Demand, to the said Commissioners or their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer or Treasurers to retain, out of any Monies which he or they may have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he or they shall have sustained or be put unto by virtue of any Warrant as aforesaid.

Penalty for
obstructing
the Execution
of this
Act.

CLXVIII. And be it further enacted, That if any Person or Persons shall obstruct, assault, hinder, or molest any of the said Commissioners, or any Treasurer, Clerk, Assessor, Collector, or Surveyor, Workman or Agent, or any Watchman, Constable, or Assistant
Constable,

Constable, Night Patrol, Beadle, Market-looker, or Inspector of Markets, or other Officer or Officers, Person or Persons whomsoever, who is, are, or shall be appointed or employed by virtue of this Act, or any Bye Law or Order made in pursuance thereof, in the Execution or Performance of his or their Duty, or in the Execution of any of the Works, Matters, or Things to be done by virtue or under the Authority of the same respectively, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

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

Commis-
sioners may
direct Prose-
cutions.

CLXX. 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 such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner by this Act directed for the levying of any Penalties or Forfeitures.

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

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

Justices may
proceed by
Summons in
the Recovery
of Penalties.

CLXXII. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act, or by or under any Rule, Regulation, Order, or Bye Law to be made in pursuance

Recovery
and Appli-
cation of
Penalties.

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suance 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 of which no express Provision is herein before made, shall and may in every Case be heard, adjudged, and determined by or before any One or more Justice or Justices of the Peace for the said County Palatine of *Lancaster* or for the said County Palatine of *Chester* (as the Case may be), in a summary Way, upon Information or Complaint made, whether the same shall be in Writing or not, (and which shall in every Case be made within Three Calendar Months at farthest next after the committing of such Offences respectively, and not afterwards); and upon any such Information or Complaint as aforesaid, the said Justice or Justices shall summon the Party or Parties accused, and such Witness or Witnesses as may by such Justice or Justices be thought proper or necessary, and examine into the Matter thereof; and if upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses, (whether the Party or Parties accused be present or absent,) the Party or Parties accused shall be convicted of having committed such Offence or Offences, then and in every such Case the Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures hereby made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justice or Justices, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then (except in Cases otherwise provided by this Act) the same shall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any such Justice or Justices (which he and they is and are hereby empowered and required to grant), be levied and recovered, together with the Costs of Conviction, and Recovery thereof, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, rendering the Overplus of the Money arising by such Sale (if any); upon Demand, to the Party or Parties whose Goods and Chattels shall be distrained; One Moiety of which Penalties, not herein directed to be otherwise applied, shall be paid to the Informer, and the other Moiety shall be paid to the Treasurer or Treasurers to the said Commissioners, to be applied to the Purposes of this Act; and it shall be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Five Days from the taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justice or Jus-

tices, either upon the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods or Chattels whereon such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures; and such Costs as aforesaid, can be levied, were such Distress or Warrant issued, such Justice or Justices shall not be required to issue the same; and thereupon it shall be lawful for the said Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County, Hundred, or Place wherein the Offence shall be committed, there to remain, without Bail or Mainprize, for any Term not exceeding Three Calendar Months, or unless such Offender or Offenders shall have sooner fully paid such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and all Costs attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law.

CLXXIII. And be it further enacted, That it shall be lawful for any of the said Commissioners, or for any of their Surveyors, Collectors, or other Officers, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Commissioners, Surveyors, Collectors, or Officers,) who shall commit any Offence or Offences against this Act, and to deliver him, her, or them into the Custody of any Peace Officer, in order to be secured and conveyed before any Justice or Justices of the Peace for the said County Palatine of *Lancaster* or for the said County Palatine of *Chester* (as the Case may be); and such Justice or Justices is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

For securing transient Offenders.

CLXXIV. And for the more easy and speedy Conviction of Offenders against this Act, or against any Bye Law, Rule, Order, or Regulation to be made in pursuance or by the Authority hereof; be it further enacted, That a Conviction in the Form or to the Effect following shall be good; (that is to say,)

Form of Conviction.

County of Lancaster, }
 [or Chester, as the }
 Case may be,] }
 to wit. }
 BE it remembered, That on the _____ Day of _____ in the Year of our Lord _____ is [or are, as the Case may be,] convicted before me [or us, as the Case may be,] of His Majesty's Justices of the Peace for the County Palatine of *Lancaster*, [or *Chester*, as the Case may be,] of having [here state the Offence, and the Time and Place when and where the same was committed,] contrary to the Statute passed [or contrary to a Bye Law duly made in pursuance of the Statute passed,] in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled [here set forth the Title of this Act]; for which Offence I [or we, as the Case may be,] do adjudge the said _____ to have forfeited the Sum of _____ . Given under my Hand and Seal [or our Hands and Seals, as the Case may be], the Day and Year first above written.

CLXXV. And

Penalty on
Persons not
appearing,
or refusing
to be exam-
ined as
Witnesses.

CLXXV. And be it further enacted, That if any Person shall be summoned by any Justice or Justices of the Peace for the said County Palatine of *Lancaster* or for the said County Palatine of *Chester*, as a Witness to give Evidence before him or them, or any other Justice or Justices of the Peace for the said Counties, or either of them, 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 or tendered a reasonable Sum of Money for his or her Costs and Expences, without a satisfactory Excuse being given for such Nonappearance, or appearing shall refuse or decline to be examined upon Oath or Affirmation, or to give Evidence, touching the Matter in question before such Justice or Justices, then and in every such Case every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds, to be recovered as other Fines and Penalties are by this Act recoverable.

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

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

Distress not
unlawful for
Want of
Form.

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

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

CLXXVIII. 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 Rule, Order, or Bye Law made by Authority thereof, shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari, or any other Writ or Proceeding whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary thereof in anywise notwithstanding.

CLXXIX. And

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

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

CLXXX. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done in pursuance or under the Authority of this Act after the Expiration of Three Calendar Months next after the Fact committed, or the Cause of Action has ceased and determined (except as may be herein otherwise directed); and all such Actions and Suits shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in any such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial which shall be had thereupon, and that the Matter or Thing for which such Action or Suit shall be so brought was done in pursuance and by the Authority of this Act; and if upon such Trial such Matter or Thing shall appear to have been so done, and if such Action or Suit shall have been brought before Twenty-one Days Notice shall have been given, or after sufficient Satisfaction shall have been made or tendered as aforesaid, or after the Time herein-before limited for bringing the same, or if the same shall be brought in any other County or Place than as aforesaid, or if such Action shall be proceeded in after sufficient Money shall have been paid into Court as herein-before authorized, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants.

Limitation of Actions.

CLXXXI. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment made and passed under or by virtue of this Act, or by any Determination or Judgment made or given by any Justice or Justices of the Peace in pursuance of this Act, or by any Order, Regulation, Bye Law, or Rule made by virtue of this Act, or by any other Matter or Thing made or done in pursuance of this Act, (except in Cases where the Verdict or Inquisitions of Juries are directed to be taken,) he, she, or they may, within Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace for the said County Palatine of *Lancaster*, at their General or Quarter Sessions of the Peace, or at some Ad-

Appeal to the General or Quarter Sessions.

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journalment thereof, to be held within the said Hundred of *Salford*, or to the Justices of the Peace for the said County Palatine of *Chester*, at their General or Quarter Sessions of the Peace, (as the Case may be,) such Appellant or Appellants, having given at least Ten clear Days Notice in Writing of his, her, or their Intention of making such Appeal, and the Time and Place thereof, and of the Matter and Cause thereof, to the Party or Parties against whom such Appeal shall happen to be made, or whose Interest may be affected by such Appeal; except where the Appeal shall be made against any such Rate or Assessment as aforesaid, or against any other Matter or Thing made or done by the said Commissioners or by any Justice or Justices of the Peace, in which Case such Notice shall be given to any One of the said Commissioners, or to the Clerk or Treasurer to the said Commissioners; and within Three Days next after such Notice causing Recognizances to be entered into before some Justice of the Peace for the said County Palatine of *Lancaster*, or for the said County Palatine of *Chester*, (as the Case may be,) by himself or herself, and Two sufficient Sureties in the Sum of Twenty Pounds each, conditioned for the Party or Parties, Appellant or Appellants, to try such Appeal, and abide the Order and Award of the Justices of such Sessions therein, and to pay such Costs as shall be awarded at such Sessions; and thereupon the Justices present at any such Sessions, upon due Proof upon Oath of such Notice and Recognizances having been given and entered into as aforesaid, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way; and the said Justices shall have Power to award such Restitution, Damages, and Costs, to the Party or Parties appealing or prosecuting such Appeal, or such Costs to the Respondent or Respondents, Party or Parties defending such Appeal, as the said Justices shall think proper; and all such Orders and Determinations of the said Justices at such Sessions shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever, and shall not be removable by Certiorari or otherwise into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

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

CLXXXII. And be it further enacted, That upon all Appeals from any Rate or Assessment made in pursuance of this Act, the Court of General or Quarter Sessions of the Peace shall, and such Court is hereby authorized and required, (in all Cases where they shall see just Cause to give Relief,) to amend such Rate or Assessment, either by inserting therein or striking out the Name or Names of any Person or Persons, or by altering the Sum or Sums therein charged on any Person or Persons, or in any other Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Rate or Assessment: Provided always, that if the said Court shall be of Opinion that it is necessary for the Purpose of giving Relief to the Person or Persons appealing, that the Rate or Assessment should be wholly quashed, then the said Court may quash the same, and order a new one to be made.

Persons giving false Evidence to be punished.

CLXXXIII. And be it further enacted, That if any Witness or Witnesses who shall be examined by or before any Justice of the Peace, or otherwise, under this Act, upon Oath, shall wilfully and corruptly give false Evidence, and shall be thereof convicted, he, she,

or they so giving false Evidence shall be subject to the same Punishment as Persons convicted of Perjury are by Law subject and liable to:

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

For paying
the Expences
of this Act.

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

Public Act.

The First SCHEDULE referred to by the foregoing Act;

Being the several MESSAGES, BUILDINGS, LANDS, TENEMENTS, and HEREDITAMENTS wanted for the Purposes of the said Act, in the Parish of ASHTON-UNDER-LYNE in the County Palatine of Lancaster, and in the several Parishes of Mottram in Longendale and Stockport in the County Palatine of Chester.

Parish.	Owners.	Lessees.	Occupiers.	Premises.	
Ashton-under-Lyne	Esther Buckley	-	Robert Walker	House and Area, Garden and Yard, or Road.	
	Executors of Neddy Hall	-	John Cheetham		
	Thomas Orrell	-	William Bevan	House and Shop.	
	George Shaw	-	Joshua Wrigley		
	James Hall	-	Thomas Critchley	House and Shop.	
	Ralph Ousey	-	Himself		
	Ditto	-	Gabriel Smith	Garden.	
	The Earl of Stamford and Warrington	-	Henry Greg		
	Mottram in Longendale	Ditto	Executors of Thomas Ousey	George Ousey	Four Cottages.
				Benjamin Wainwright	
Ditto		William Bardsley	John Heginbottom	Five Cottages, Butcher's Shop, Stable, and Land.	
			Arthur Burgess		
Ditto		Ditto	Thomas Woodall	Five Cottages, Smithy, Outbuildings, and Yards.	
			John Wood		
Huddersfield Canal Company		Thomas Orrell	James Dean	Yard.	
			Sarah Platt		
Stockport		Thomas Orrell	Benjamin Walker	Garden.	
			James Pass		
			James Nield	So much of the northerly Part of a Garden adjoining a certain common Highway or Street within the said Town of Stalybridge, as will enable the said Commissioners to make the whole of the said common Highway or Street opposite the said Garden of the Breadth of Fourteen Yards.	
			Mary Williamson		
			Themselves		
			Himself		

The Second SCHEDULE referred to by the foregoing Act;

BEING

The several TOLLS, STALLAGES, RENTS, or SUMS of MONEY authorized to be taken in the MARKET.

	£	s.	d.
From the Occupier of each Shop, according to the Size and Dimensions of the same; (that is to say, For each and every superficial Foot thereof, Inside Measure: If taken by the Year, the Sum of - - - - -	0	6	8
by the Half Year, the Sum of - - - - -	0	3	4
by the Quarter, the Sum of - - - - -	0	1	8
For each Market Day, or other Day in the Week, the Sum of - - - - -	0	0	2
From the Occupier of each Butcher's Stall, according to the Size and Dimensions of the same; (that is to say, For each and every superficial Foot thereof: If the Stall or Passage in front thereof be covered over from the Weather: If taken by the Year, the Sum of - - - - -	0	6	8
by the Half Year, the Sum of - - - - -	0	3	4
by the Quarter, the Sum of - - - - -	0	1	8
If not covered over as above: If taken by the Year, the Sum of - - - - -	0	6	0
by the Half Year, the Sum of - - - - -	0	3	0
by the Quarter, the Sum of - - - - -	0	1	6
If otherwise taken or occupied: If covered over as above: For each Market Day, or other Day in the Week, the Sum of - - - - -	0	0	1½
If not covered over as above: For each Market Day, or other Day in the Week, the Sum of - - - - -	0	0	1½
From the Occupier of each Stand for Vegetables or other Articles, raised above the Ground, with progressive Steps or Benches, according to the Size and Dimensions of the same; (that is to say, For each and every superficial Foot thereof: If the Stand and Passage in front be covered over from the Weather: If taken by the Year, the Sum of - - - - -	0	5	0
by the Half Year, the Sum of - - - - -	0	2	6
by the Quarter, the Sum of - - - - -	0	1	3
If not covered over as above: If taken by the Year, the Sum of - - - - -	0	4	0
by the Half Year, the Sum of - - - - -	0	2	0
by the Quarter, the Sum of - - - - -	0	1	0
If otherwise taken or occupied: If covered over as above: For each Market Day, or other Day in the Week, the Sum of - - - - -	0	0	1½
If not covered over as above: For each Market Day, or other Day in the Week, the Sum of - - - - -	0	0	1

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	£	s.	d.	
From the Occupier of each other Stand or Bench, according to the Size and Dimensions of the same; (that is to say,)				
For each and every superficial Foot thereof:				
If the Stand or Bench, and the Passage in front thereof, be covered over from the Weather:				
If taken by the Year, the Sum of	0	5	0	9
by the Half Year, the Sum of	0	2	6	
by the Quarter, the Sum of	0	1	3	10
If not covered over as above:				
If taken by the Year, the Sum of	0	4	0	
by the Half Year, the Sum of	0	2	0	
by the Quarter, the Sum of	0	1	0	
If otherwise taken or occupied:				
If covered over as above:				
For each Market Day, or other Day in the Week, the Sum of	0	0	1½	
If not covered over as above:				
For each Market Day, or other Day in the Week, the Sum of	0	0	1	11
From the Occupier of each Compartment or Space on the Surface of the Ground, according to the Size and Dimensions of the same; (that is to say,)				
For each and every superficial Foot thereof:				
If the Compartment, and the Passage surrounding the same, be covered over from the Weather:				
If taken by the Year, the Sum of	0	3	10	
by the Half Year, the Sum of	0	1	11	12
by the Quarter, the Sum of	0	0	11½	
If not covered over as above:				
If taken by the Year, the Sum of	0	3	0	
by the Half Year, the Sum of	0	1	6	
by the Quarter, the Sum of	0	0	9	
If otherwise taken or occupied:				
If covered over as above:				
For each Market Day, or other Day in the Week, the Sum of	0	0	1	13
If not covered over as above:				
For each Market Day, or other Day in the Week, the Sum of	0	0	0¼	
From the Occupier of each Standing in the Fish Markets, according to the Size and Dimensions of the same; (that is to say,)				
For each and every superficial Foot thereof:				
If taken by the Year, the Sum of	0	6	8	14
by the Half Year, the Sum of	0	3	4	
by the Quarter, the Sum of	0	1	8	
If otherwise taken or occupied:				
For each Market Day, or other Day in the Week, the Sum of	0	0	1¾	
From every Person standing or walking in any open Space in the Market Place, and exposing to Sale any Cutlery, Hardware, Mercery, Small Ware, or Goods of any Kind, per Day	0	1	0	15
The above-mentioned Tolls and Stallage in the said Markets to be paid and payable in respect of the Occupation of any Shop, Stall, Stand, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof, for a Part or Portion of				

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	£	s.	d.
the Day, as by any subsequent Taker or Occupier of the same, for any other Part or Portion of the Day, or Space of Time.			
For each and every Cart Load of Hay, Straw, Grass, Vetches, or other Article, Commodity, or Thing exposed for public Sale, if drawn by One Horse or other Beast, per Day, the Sum of -	0	0	9
If drawn by Two or more Horses or other Beasts, per Day, the Sum of -	0	1	0
For each and every Waggon Load of Hay, Straw, Grass, Vetches, or other Article, Commodity, or Thing exposed for public Sale, the Sum of -	0	1	0
For the Exposure to Sale of Horses, or other Beasts, Cattle, or Pigs, as follows:			
For every Horse, Mare, or Gelding - - - - -	0	3	0
For every Colt or Filly - - - - -	0	1	6
For every Mule or Ass - - - - -	0	0	6
For every Bull, Ox, Cow, Heifer, or Steer - - - - -	0	1	0
For every Calf - - - - -	0	0	6
For every Score of Sheep or Lambs - - - - -	0	2	6
And so in proportion for any greater or less Number; and One or more, not exceeding Five, to be paid for as One Quarter of a Score.			
For every live Swine or Pig - - - - -	0	0	2
For weighing every Piece of Meat or Thing, weighing not exceeding Twenty Pounds Avoirdupois - - - - -	0	0	0½
For weighing every Piece of Meat or Thing, weighing more than Twenty Pounds, and not exceeding One hundred Pounds - - - - -	0	0	1
And so in proportion for any greater or less Quantity than a Hundred Pounds Weight, over and above One hundred Pounds Weight.			
For measuring every Quantity of Goods and Things sold by Measure, not exceeding One Bushel - - - - -	0	0	0½
For measuring every Quantity more than a Bushel, and not exceeding Two Bushels - - - - -	0	0	1
And for every Bushel beyond Two Bushels - - - - -	0	0	0½

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