



ANNO UNDECIMO

GEORGII IV. REGIS.

Cap. xliii.

An Act for paving, cleansing, draining, lighting, watching, regulating, and improving the Town of *Ross*, and for disposing of certain Common and Waste Lands and Rights of Common within the Parish of *Ross*, in the County of *Hereford*.

[29th May 1830.]

WHEREAS the Town of *Ross* in the County of *Hereford* is extensive and populous, and it would greatly tend to the Benefit, Convenience, and Safety of the Inhabitants thereof, and of Persons resorting thereto and passing through the same, if the several Streets, Lanes, Thoroughfares, and Places within the said Town were more properly paved and repaired, and the same Streets, Lanes, Thoroughfares, and Places well and sufficiently cleansed, drained, lighted, watched, regulated, and otherwise improved, and made more commodious and safe, and all Obstructions, Nuisances, Annoyances, and Encroachments removed, and for the future prevented within and throughout the said Town: And whereas there is within the Parish of *Ross* aforesaid a certain Open Common or Waste, called *Ross Marsh*, of little Value in its present State, containing Six Acres One Rood and Ten Perches, or thereabouts: And whereas there are also within the Parish of *Ross* aforesaid certain Common Meadows, called by the several Names of *Broadmeadow*, *The Ricks*, and *Maud's Meadow*, containing together Sixty-seven Acres, or thereabouts: And whereas there are also within the said Parish of *Ross* certain Common Arable Fields, called by the several Names of

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Cawdor, Berryfields, and Poolfields, containing together Twenty-four Acres Three Roods and Twenty Perches, or thereabouts, a Schedule of which said several Lands and Commons is hereunto annexed, marked (A.): And whereas *Kingsmill Evans* Esquire is Lord of the Manor of *Ross* aforesaid, and as such is entitled to the Right of Soil in all the Waste Lands within the same: And whereas the Proprietors of Messuages, Burgages, or Tenements within the Town of *Ross* aforesaid, and several other Persons, severally and respectively have or claim to have a Right of depasturing their Commonable Cattle in, upon, and over the said several Common Meadows called *Broadmeadow, The Ricks, and Maud's Meadow*, from the Fourth Day of *July* to the Eleventh Day of *February* in every Year; and also in, upon, and over the said Common Arable Fields called *Cawdor, Berryfields, and Poolfields*, after the Owners of the same Fields respectively, or their respective Tenants, have annually taken and removed their Crops therefrom; and also in, upon, and over the said Open Common or Waste called *Ross Marsh*, at all Times in the Year: And whereas it is expedient, and the several Persons interested in the said Open and Common or Waste Lands and Commonable Meadows and Fields have consented and agreed, that the said Open Common or Waste Land called *Ross Marsh*, and also the said Rights of Common over the said several Parcels of Meadow or Pasture Land called *Broadmeadow, The Ricks, and Maud's Meadow*, and also over the said Common Fields called *Cawdor, Berryfields, and Poolfields*, should be sold or otherwise disposed of, and that the Monies to arise from such Sale or other Disposal of the same should be applied in aid of the Sums necessary to be raised for the Purposes of this Act: 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 the Lord of the Manor for the Time being of that Part of the Parish of *Ross* aforesaid called *Ross Borough*, the Rector for the Time being of the Parish of *Ross* aforesaid, the Mayor or Serjeant at Mace of the Town or Borough of *Ross* aforesaid for the Time being, together with *John Cooke, Nathaniel Morgan, John Stratford Collins, Thomas Prichard, Edward Prichard, Richard Evans* Doctor of Medicine, and every Person who now is or shall or may at any Time hereafter, either in his own Right or in the Right of his late or present Wife, be seised of or entitled to and be in the actual Possession or Receipt of the Rents and Profits of Freehold, Copyhold, or Leasehold Messuages, Lands, Tenements, or Hereditaments, situate within the Limits of this Act, of the clear yearly Value of Thirty Pounds, (but if Leasehold the same to be for Lives, or for Sixty Years at the least,) and every Person who now is or shall or may at any Time hereafter, either in his own Right or in the Right of his late or present Wife, be seised of or entitled to and be in the actual Possession or Receipt of the Rents and Profits of Freehold, Copyhold, or Leasehold Messuages, Lands, Tenements, or Hereditaments situate within the Limits of this Act, (but if Leasehold the same to be for Lives, or for Sixty Years at the least,) every such Person being at the same Time a Householder or Occupier of Messuages, Lands, Tenements, or

Appointment
of Commis-
sioners.

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Hereditaments within the Limits of this Act, and such Messuages, Lands, Tenements, or Hereditaments of or to which he shall be so seised or entitled, and which he shall so hold or occupy, being when added and taken together of the clear yearly Value of Thirty-five Pounds, and every Person who now is or shall or may at any Time hereafter be or become a Householder or Occupier of Messuages, Lands, Tenements, or Hereditaments, within the Limits of this Act, of the annual Value of Forty Pounds or upwards, shall be and they are hereby constituted, appointed, and declared Commissioners for carrying the several Powers and Purposes of this Act into execution.

II. Provided always, and be it further enacted, That no Person hereby appointed Commissioner by virtue of his Office shall be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation herein-after mentioned) until he shall, at a Meeting to be held by virtue of this Act, have taken and subscribed an Oath, or made and subscribed an Affirmation, in the Form or to the Effect following; (that is to say,)

Commissioners by virtue of their Office to take the following Oath.

‘ I *A.B.* do swear, [*or, being a Quaker, do solemnly affirm,*] That I will faithfully, truly, and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities reposed in me as a Commissioner by virtue of an Act passed in the Eleventh Year of the Reign of King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*].

‘ So help me GOD.’

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

III. Provided always, and be it further enacted, That no Person (except Persons appointed Commissioners by virtue of their Office) shall be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation herein-after mentioned) until he shall, at a Meeting to be held by virtue of this Act, have taken and subscribed an Oath, or made and subscribed an Affirmation, in the Form or to the Effect following; (that is to say,)

Commissioners by virtue of Property to take the following Oath.

‘ I *A.B.* do swear, [*or, being a Quaker, do solemnly affirm,*] That I am really and *bonâ fide* in my own Right [*or in the Right of my late or present Wife, as the Case may be,*] seised of or entitled to and in the actual Possession or Receipt of the Rents and Profits of Freehold, Copyhold, or Leasehold Messuages, Lands, Tenements, or Hereditaments, situate within the Limits of an Act of Parliament made and passed in the Eleventh Year of the Reign of King *George* the Fourth, intituled *An Act, &c.* [*here set forth the Title of this Act*], of the clear yearly Value of Thirty Pounds; [*and if the Qualification be partly or wholly by reason of Leasehold Property, here add,* and that the Leasehold Property which I am possessed of or entitled to within the Limits of the said Act is of the Tenure of Leasehold for Lives, or for Sixty Years at the least]; [*or that I am really and bonâ fide in my own Right* [*or in the Right of my late or present Wife, as the Case may be,*] seised of or entitled to and in the actual Possession or Receipt of the Rents and Profits of

‘ Freehold,

‘ Freehold, Copyhold, or Leasehold Messuages, Lands, Tenements,
 ‘ or Hereditaments, situate within the Limits of an Act of Parlia-
 ‘ ment made and passed in the Eleventh Year of the Reign of King
 ‘ George the Fourth, intituled *An Act, &c.* [*here set forth the Title of*
 ‘ *this Act; and if the Qualification be partly or wholly by reason of*
 ‘ *Leasehold Property, here add,* and that the Leasehold Property
 ‘ which I am possessed of or entitled to within the Limits of the
 ‘ said Act is of the Tenure of Leasehold for Lives, or for Sixty
 ‘ Years at the least], and that I am also a Householder or Occupier
 ‘ of Messuages, Lands, Tenements, or Hereditaments within the
 ‘ Limits of the said Act, the clear yearly Value of which, when
 ‘ added to and taken together with that of the Freehold, Copyhold,
 ‘ or Leasehold Messuages, Lands, Tenements, or Hereditaments of
 ‘ or to which I am so seised or entitled as before mentioned, is
 ‘ Thirty-five Pounds at least]; [*or that I am a Householder or*
 ‘ *Occupier of Messuages, Lands, Tenements, or Hereditaments*
 ‘ *within the Limits of an Act of Parliament made and passed in the*
 ‘ *Eleventh Year of the Reign of King George the Fourth, intituled*
 ‘ *An Act, &c.* [*here set forth the Title of this Act*], of the annual
 ‘ Value of Forty Pounds at least]; and that I will faithfully, truly,
 ‘ and impartially, according to the best of my Skill and Judgment,
 ‘ execute and perform all and every the Powers and Authorities
 ‘ reposed in me as a Commissioner by virtue of the said Act.

‘ So help me GOD.’

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

Penalty on
disqualified
Persons
acting as
Commission-
ers.

IV. And be it further enacted, That no Person shall act as a Com-
 missioner in the Execution of this Act during the Time he shall hold
 or enjoy any Office or Place of Profit under this Act, or be concerned
 or interested in any Contract made under or by virtue of this Act, or
 in any Case wherein he shall be personally interested in the Matter
 in question, (except as a Shareholder in any Company of Proprietors
 for the Manufacture of Gas within or for the Supply of the said
 Town,) or who shall be a licensed Victualler, or a Dealer in Ale,
 Beer, Wine, or spirituous Liquors by Retail; and if any Person not
 being qualified in the Manner in this Act mentioned, or not having
 taken and subscribed the Oath as aforesaid, or, being a Quaker, not
 having made and subscribed the Affirmation as aforesaid, or being
 or becoming disqualified by any of the Causes in this Act mentioned,
 shall act as a Commissioner in the Execution of this Act (except in
 administering the Oath herein-before mentioned), every such Person
 shall for every such Offence forfeit and pay the Sum of One hundred
 Pounds, together with full Costs of Suit, to any Person or Persons
 who shall sue for the same, in any of His Majesty’s Courts of Record
 at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint,
 or Information; and every Person so sued or prosecuted shall prove
 that he was at the Time of acting qualified as aforesaid, or otherwise
 shall be liable to the said Penalty and Costs, without any other Proof
 given on the Part of the Plaintiff or Prosecutor in such Action than
 that such Person has acted as a Commissioner in the Execution of
 this Act: Provided always, that all Acts and Proceedings of any
 Person acting as such Commissioner, although not duly qualified as
 aforesaid, had or done previously to his being convicted of any such
 Offence,

Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person had been duly qualified according to the Directions of this Act: Provided also, that it shall be lawful for such of the said Commissioners as shall be Justices of the Peace for the County of *Hereford* to act as such Justices in the Execution of this Act, within their respective Jurisdictions, notwithstanding their being Commissioners for executing this Act.

V. And be it further enacted, That the said Commissioners, or any Five or more of them, shall meet at the Town Hall in *Ross* aforesaid, or at any other convenient Place within the said Town, on the Second *Tuesday* next after the passing of this Act, or as soon after as conveniently may be, between Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then proceed to carry this Act into execution; and the said Commissioners shall or may at their First Meeting, and at their several subsequent or other Meetings to be holden in pursuance of this Act, from Time to Time adjourn the same respectively, and appoint their next Meeting to be held at the same Place, or at such other Place within the said Town, and at such Time, as the said Commissioners shall from Time to Time order and direct, provided that no Adjournment shall be made for a longer Time than Two Calendar Months; and if at any Meeting appointed to be held by virtue of this Act there shall not appear before the Hour of Twelve a sufficient Number of Commissioners to act, or the Commissioners appearing shall not adjourn such Meeting, then the Clerk to the said Commissioners shall from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day within Fourteen Days then next following, to be holden at the same Place; and the said Clerk shall cause Notice thereof to be affixed to the Door of the Parish Church of *Ross* aforesaid at least Seven Days before the Day to which such Meeting shall be so adjourned: Provided always, that no Business shall be done or proceeded upon by the said Commissioners at any Meeting (except the First Meeting to be held under this Act) before Eleven of the Clock in the Forenoon, nor shall any Meeting be appointed to be held at any later Hour than Three of the Clock in the Afternoon of the Day on which such Meeting may be appointed to be holden; and at all their several Meetings the said Commissioners shall pay and defray all 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: Provided always, that all Meetings to be held in pursuance of this Act shall be held between the Hours of Eleven of the Clock in the Forenoon and Three of the Clock in the Afternoon.

Meetings of
the Commis-
sioners.

VI. And be it further enacted, That all Orders and Determinations of the said Commissioners in the Execution of this Act shall be made at a Meeting or Meetings to be held in pursuance of this Act, and not otherwise (except in Cases otherwise provided for in this Act); and no Order or Determination shall be made unless the major Part of the Commissioners present at the respective Meetings to be holden in pursuance of this Act shall concur therein; and all Acts, Orders, and Proceedings relating to the Execution of this Act, which

All Acts to
be done at
Meetings.

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are by this Act directed to be had, made, done, or exercised by or before the said Commissioners, and all other Powers and Authorities by this Act in them vested generally, shall and may be had, made, done, and exercised by the major Part of the Commissioners who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number of Commissioners present at any such Meeting not being less than Five (except in Cases in which any other Number is by this Act named for any particular or special Purpose); and all Acts, Orders, and Proceedings had, made, or done by or before such Five or more Commissioners shall have the same Force and Effect, and be binding and conclusive on all Persons, and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed by or before all the said Commissioners; and at every Meeting of the said Commissioners a Chairman shall in the first place be appointed, who, in case of an equal Number of Votes (including such Chairman's Vote), shall have the casting or decisive Vote: Provided always, that no Order or Determination made, agreed upon, or entered into at any Meeting of the said Commissioners shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to make such Revocation or Alteration shall have been given at a previous Meeting holden pursuant to this Act, and shall have been entered in the Book of Proceedings of such Meeting, and unless such Notice, signed by any Five or more Commissioners, shall have been affixed to the Door of the Parish Church of *Ross* aforesaid at least Seven Days before such Meeting, nor unless such Revocation or Alteration shall be agreed to be made by Ten Commissioners at the least.

Meetings on
Emergencies.

VII. 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 thought necessary that an earlier Day of Meeting should be appointed, it shall be lawful for any Five or more of the said Commissioners, although not assembled at a public Meeting, (or for their Clerk, being authorized by an Order in Writing signed by Five or more of the said Commissioners, although not assembled at a public Meeting,) to appoint a Meeting to be held on such earlier Day, between the Hours aforesaid, by Notice, mentioning the Time, Place, and Purpose of such earlier Meeting, to be given in the Manner before directed, such Time not being less than Seven Days after such Notice; and all Proceedings of the Commissioners at such earlier Meeting, relating to the particular Subject on which such Meeting shall be called, shall be as valid as they would have been in case the Commissioners had met in pursuance of an Adjournment.

Proceedings
to be entered.

VIII. And be it further enacted, That the said Commissioners shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of the Names of all the Commissioners who shall attend the respective Meetings, and of all Acts, Orders, and Proceedings relative to the Execution of this Act; and the Chairman of each Meeting of the said Commissioners shall always subscribe his Name at the End of the Proceedings of the said Commissioners at every such Meeting; and all Entries in the Books of such Proceedings, being so signed, shall be deemed Originals, and shall

shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

IX. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received and paid or expended for or on account of the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, and of every Person paying any Rate or Assessment hereby authorized or otherwise affected thereby, without Fee or Reward; and the said Commissioners, and other Persons aforesaid, or any of them, shall or 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 shall refuse to permit or shall not permit the said Commissioners or Persons aforesaid to inspect the same or take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Default.

Accounts to be kept of Receipts and Disbursements, which shall be open to Inspection.

X. And be it further enacted, That a Meeting of the said Commissioners shall be held on the First *Tuesday* in the Month of *July* yearly, at the Place herein-before mentioned, or to be appointed as aforesaid, at which the Accounts of all Monies received and paid from Time to Time by virtue or in execution of this Act by any Person or Persons whomsoever shall be produced and stated to and examined and settled by the said Commissioners.

Annual Meeting for auditing Accounts, &c.

XI. And be it further enacted, That the said Commissioners shall, immediately after such Accounts and Statements have been examined and settled, cause a sufficient Number of Copies of such Statements to be printed, and direct their Clerk to transmit a Copy thereof to each acting Commissioner, having duly qualified himself to act as a Commissioner under this Act.

Accounts to be printed.

XII. And be it further enacted, That the said Commissioners shall and may at their first or any subsequent Meeting elect and appoint a Treasurer or Treasurers, Clerk or Clerks, Assessor or Assessors, Collector or Collectors of the Rates or Assessments herein-after mentioned, and also a Surveyor or Surveyors, and a Scavenger or Scavengers, and such other Officers for the Purposes of this Act as the said Commissioners shall think proper, and may from Time to Time remove them or any of them, and appoint others in the Room of those removed or of such as shall relinquish or discontinue or be incapable of performing their respective Offices, and out of the Monies to be raised by virtue of this Act shall and may make and pay such Salaries, Wages, and Allowances to the said Officers and Persons as the said Commissioners shall think reasonable; and the said Commissioners shall and they are hereby required to take such sufficient Security from every such Treasurer and other Officer, for the

Appointment of Officers.

Officers to
account.

the due Execution of his and their respective Offices, as the said Commissioners shall think proper; and all such Officers and Persons so to be appointed as aforesaid shall, under their Hands, (at such Time or Times and in such Manner as the said Commissioners shall direct,) at least once in every Three Calendar Months, deliver to the said Commissioners, or to such Person or Persons as they shall appoint, a true and perfect Account or Accounts in Writing of all Matters and Things committed to their Charge, and of all the Monies which shall have been by such Officers and Persons respectively received by virtue of or for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, and to whom, together with the 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 to receive the same; and if any such Officers or Persons shall refuse or wilfully neglect to deliver any such Accounts as aforesaid, or to produce and deliver up the Vouchers relative to the same, or to make Payment as aforesaid, or shall neglect or refuse to deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Ten Days next after being thereunto required by the said Commissioners by Notice in Writing given to or left at the last or usual Place of Abode of any such Officer or Person, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or satisfy the said Commissioners respecting the same, then and in any of the Cases aforesaid the said Commissioners may and they are hereby authorized and empowered to bring or cause to be brought an Action or Actions in any of His Majesty's Courts of Record at *Westminster* against the Officer or Person so neglecting or refusing as aforesaid, in order to the Recovery of the Monies which shall be in the Hands of such Officer or Person, with full Costs of Suit; or if Complaint shall be made by the said Commissioners, or by such Person or Persons as they shall appoint for that Purpose, to any Justice or Justices of the Peace, such Justice or Justices may and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause the Officer or Person so neglecting or refusing to be apprehended and brought before him or them, and upon his appearing, or in case the Constable or other Officer to whom such Warrant or Warrants shall be directed shall make Return on Oath that he or they is or are not to be found, then and in either of such Cases the said Justice or Justices shall and may hear and determine the Matter 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 in case of a Quaker, upon his Affirmation, (which Oath and Affirmation such Justice or Justices is or are hereby empowered to administer,) it shall appear to such Justice or Justices that any of the Money which shall have been raised, received, or collected under or by virtue of this Act, shall be in the Hands of such Officer or Person, or be unaccounted for, such Justice or Justices may and is and are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Money and all Charges to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person, and paid to the said Commissioners or as they shall appoint;

appoint; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money and the Charges aforesaid, or if it shall upon such Hearing appear, by such Confession or Testimony as aforesaid, to such Justice or Justices that any such Officer or Person hath neglected or refused to deliver any such Account as aforesaid, or to produce and deliver up the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act are in the Custody or Power of any such Officer or Person, and he hath neglected or refused to deliver or satisfy the said Commissioners respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice or Justices shall commit every such Offender or Offenders to the Common Gaol or House of Correction of the County of *Hereford*, there to remain without Bail or Mainprize until he shall have made Payment to the said Commissioners, or to whom they shall appoint, of such Money as aforesaid, or shall have compounded with the said Commissioners for the same, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners are hereby empowered to make and receive,) or until he shall have delivered up every such Account as aforesaid, or produce and deliver up such Vouchers, Books, Papers, and Writings as aforesaid, or shall have satisfied the said Commissioners in respect thereof, according as the Circumstances of each respective Case shall require: Provided always, that no such Person who shall be committed on account of his not having sufficient Goods or Chattels shall be detained in Prison for any longer Term than Six Calendar Months: Provided also, that if any Money shall remain due from such Officer or Person, Officers or Persons, the Commitment of him or them to Prison shall not (without the Consent of the said Commissioners) be deemed a Discharge for the same, nor exonerate his or their Surety or Sureties; but such Officer or Person, Officers or Persons, and his and their Surety or Sureties, shall remain liable to the Payment thereof in the same Manner as if such Officer or Person, Officers or Persons, had not been committed to Prison.

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 to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Commissioners; and if any Person shall 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 any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the

Clerk restrained from acting as Treasurer, and vice versa.

Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall 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 in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster* or elsewhere by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Impar lance, shall be allowed.

Commissioners may sue and be sued in the Name of their Clerk, &c.

XIV. And be it further enacted, That the said Commissioners may sue and be sued for or concerning any thing which shall be done by virtue or in pursuance of this Act, or for or concerning any Matter or Thing relating or incident to the obtaining and passing of this Act, in the Name of their Clerk for the Time being, or in the Name of any One of the said Commissioners; and no Action or Suit to be brought or commenced by the Direction of or against the said Commissioners by virtue of this Act, in the Name of their Clerk or of such Commissioner, shall abate or be discontinued by the Death, Resignation, Removal, or Default, or by the Act of any such Clerk or Commissioner without the Consent of the said Commissioners, but the Clerk for the Time being to the said Commissioners, or any of such Commissioners, shall be always deemed Plaintiff or Defendant in such Action or Suit, as the Case may require: Provided always, that any such Clerk or Commissioner in whose Name any Action or Suit shall be commenced, sued, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expences as he shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant as aforesaid: Provided also, that such Clerk or Commissioner shall not, by reason of his being so made Plaintiff or Defendant, be deemed an inadmissible Witness in any such Action or Suit, unless it be on his own personal Account.

Commissioners to repair the Streets, &c.

XV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, from Time to Time and at all Times hereafter, as often as they shall think fit, to cause, order, and direct all or any of the present and future Streets, Lanes, and other public Places within the Limits of this Act to be repaired, made, formed, amended, and sustained, in such Manner and with such Materials as the said Commissioners shall think proper, and also from Time to Time to cause the Materials thereof to be taken up and relaid and renewed, and the Ground and Soil thereof to be raised, lowered, or altered, in such Manner and with such Materials as the said Commissioners shall deem proper or direct.

Commissioners to pave in first instance.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, or for their Surveyor, or any other Person by their Order,

Order, and they are hereby authorized and empowered, by and out of the Monies to be raised by virtue of this Act, well and effectually to pave and flag, or cause to be paved and flagged, the Footways or Footpaths next adjoining to any Street, Lane, or other public Way, Passage, or Place within the Limits of this Act, or such and so many of the said Footways or Footpaths, and in such Manner and Form, and with such Materials, as they shall think proper; and the said Commissioners, or their Surveyor, or any other Person by their Order, may and shall, if they think proper, cause the Ground of such Foot Pavement to be raised, lowered, or rounded.

XVII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break, throw down, destroy, deface, or otherwise damage or injure any of the Pavements, or any of the Articles, Matters, or Things hereby vested in the said Commissioners, or any of the Works executed by them or by their Order in pursuance of this Act, then every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall moreover pay unto the said Commissioners such Sum of Money as shall be a full Satisfaction for the Damages so done as aforesaid, in addition to the said Penalty.

Penalty for
damaging
Pavements,
&c. vested in
the Commis-
sioners.

XVIII. Provided always, and be it further enacted, That where in any Street, Lane, Way, or Passage within the Limits of this Act, there shall be a greater Distance than Thirty Yards from House to House on the same Side of such Street, Lane, Way, or Passage, then and in such Case, and whenever the same shall occur, the said Commissioners shall or may, in lieu of paving or flagging or requiring the paving or flagging of the Footpath or Footway immediately adjoining such Space so exceeding Thirty Yards from House to House as aforesaid, make or amend the same Footpath or Footway between such Houses so being more than Thirty Yards apart with Pebbles or good Gravel, Sand, or other similar Materials, and so continue the same amended until some other House or Houses shall be built within such Space so as to leave less than Thirty Yards from House to House, and to pay the Expences thereof by and out of the Monies to be raised by virtue of this Act; or otherwise do and shall in their Discretion cause and require such Footpath or Footway to be made or amended in like Manner by and at the Costs of the Owner or Owners, or reputed Owner or Owners, or the Occupier or Occupiers of the Buildings, Yards, Gardens, Lands, or Hereditaments lying opposite and adjoining to such Footpath or Footway; and if such Owner or Owners, or reputed Owner or Owners, or Occupier or Occupiers, shall neglect or refuse, for the Space of Twenty Days next after Notice in Writing given to him, her, or them by the said Commissioners, or their Surveyor or other Officer, to make or amend the said Footpath or Footway in such Manner and Form as the said Commissioners shall order and direct, it shall be lawful for the said Commissioners and they are hereby required to cause the same to be properly made or amended; and the said Commissioners shall recover the Costs and Charges of such making or Amendment, of such Owner or Owners, or reputed Owner or Owners, or Occupier or Occupiers, in the same Manner in every respect as is next hereinafter

Commission-
ers to gravel
Footpaths
only where
more than
Thirty Yards
from House
to House.

after

after directed and declared in case of Nonpayment of the Costs and Charges of paving and repairing the other Footways and Footpaths within the said Limits by the respective Tenants or Occupiers of Houses and Premises adjoining thereto; and when and so often as any such Space as aforesaid shall be built upon so as to leave less than Thirty Yards from House to House, then the Provisions next herein-after contained for the paving and flagging the Footpaths and Footways within the said Limits by the Owners or Occupiers of the Premises so adjoining thereto shall come into and be in full Force, Vigour, and Effect.

Proprietors
to keep Foot-
ways in
repair.

XIX. And be it further enacted, That when and so soon as the said Footpaths and Footways in the said Streets, Lanes, Ways, Passages, and public Places within the Limits of this Act, or such and so many of such Footpaths and Footways, or such Part or Parts of the same, as the said Commissioners shall think proper to have paved and flagged or repaired by and out of the Monies to be raised by virtue of this Act, shall have been made and completed by or to the Satisfaction of the said Commissioners, the respective Owners or Proprietors, Feoffees, Trustees, and Occupiers of the several Houses, Shops, Malshouses, Warehouses, Stables, Buildings, Courts, Yards, Gardens, Lands, Tenements, and Hereditaments lying before or opposite and adjoining to the said several Streets, Lanes, Ways, Passages, and public Places, shall from Time to Time and at all Times thereafter, within Twenty Days next after Notice in Writing given to them or delivered to some Inmate at their usual Place of Abode by the said Commissioners, or their Surveyor or other Officer, well and sufficiently pave and repair, or cause to be paved and repaired, the Footway before or beside their respective Houses and other Premises as aforesaid, together with a sufficient Gutter or Channel by the Side of such Footway; such paving nevertheless, both with respect to Materials and Regularity and Extent, to be made and afterwards continue in such Manner and Form as the said Commissioners in their Discretion shall think proper and order and direct; and in case any Owner or Proprietor, Feoffee, Trustee, or Occupier of any Messuage, Tenement, Building, Land, or Ground as aforesaid, shall neglect or refuse, for the Space of Twenty Days next after Notice to him, her, or them given as aforesaid, to make or lay such Foot Pavement and Gutter or Channel, or to repair the same, as the Case may be, and to such Extent and in such Manner and Form as the said Commissioners shall order and direct, it shall be lawful for the said Commissioners and they are hereby required to cause the same to be properly laid, paved, made, or repaired; and in case any such Owner or Proprietor, Feoffee, Trustee, or Occupier, shall cause any such Footway, Gutter, or Channel, or any Part thereof, to be paved, made, or repaired otherwise than according to the Order or Direction of the said Commissioners, then the said Commissioners shall direct the same to be taken up and relaid in such Manner as they shall think proper; and the Costs and Charges of such paving and repairing, and of taking up and relaying such Pavement, Gutter, or Channel as aforesaid, shall be reimbursed to the said Commissioners, and be paid and payable by the respective Tenants or Occupiers of such Houses and Premises; and if any Tenant or Occupier of any such Premises shall neglect or
refuse

In default,
Commission-
ers to repair;

refuse to pay such Charges within Three Days after personal Demand made thereof, or by Notice in Writing under the Hand of the Surveyor, Clerk, or other Person appointed by the said Commissioners, to be delivered to some Inmate at the Dwelling House of such Tenant or Tenants, Occupier or Occupiers, the same shall and may be levied on every such Tenant or Tenants, Occupier or Occupiers, by Distress and Sale of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace, which Warrant the said Justice or Justices is and are hereby authorized, empowered, and required to grant upon Information on Oath of such Neglect or Refusal, returning the Overplus (if any) of the Monies raised by such Distress and Sale, after deducting all Costs and Charges attending the same, to the Owner or Owners of such Goods or Chattels so distrained, on Demand.

and recover the Charges thereof from the Occupier.

XX. And be it further enacted, That where any House, Shop, Malthouse, Warehouse, Stable, Building, Court, Yard, Garden, Land, Tenement, or Hereditaments shall be let or demised to more than One Tenant or Occupier, any One or more of such Tenants or Occupiers shall be deemed the actual Tenant or Tenants, Occupier or Occupiers, for the Purposes of this Act; and the said Charges shall be levied by Distress and Sale of all or any of the Goods and Chattels on such respective Premises: Provided always, that no such Tenant or Occupier shall at any Time be required or subject or liable to pay any greater Sum for or towards the Discharge of the said Charges than shall be equal to the Amount of the Rent actually due by or from such Tenant or Occupier to the Landlord or Lordlords, Owner or Owners of the Premises so occupied by him, her, or them: Provided also, that each and every such Tenant or Occupier who shall pay any such Charges, or any Part thereof, or upon whose Goods or Chattels the same shall be levied, shall and may from Time to Time deduct the Amount of the Sum which shall be so paid or levied from the Rent then due, or at any Time thereafter to become due, from him, her, or them to his, her, or their Landlord or Landlords of the Premises, and the Receipt for such Payment shall be a good and sufficient Discharge to such Tenant or Occupier, Tenants or Occupiers, for so much of the Rent payable by him, her, or them to such Landlord or Landlords, as such Tenant or Occupier, Tenants or Occupiers, shall have paid for or in respect of such Charges as aforesaid, and for the Costs of levying the same.

Where Houses, &c. are let to several Tenants, the Goods of any One Tenant may be distrained for such Charges.

XXI. And be it further enacted, That it shall be lawful for any Tenant or Occupier who shall have new paved, pitched, or gravelled, or amended or repaired, the Footway, Gutter, or Channel before his or her House or Houses, Buildings, Yards, Gardens, Lands, or Premises, in manner as directed by this Act, or who shall have paid and reimbursed to the said Commissioners the Expences of doing the same, or on whom any such Expences shall have been levied, to retain and deduct out of his or her Rent the Charges and Expences which such Tenant or Occupier shall pay, or have had levied upon him or her, on any of the Accounts aforesaid; and the Owner or Proprietor, Feoffee or Trustee of such Premises is hereby required to allow such

Tenants paying or repairing Footways to deduct the Expence out of the Rent.

[*Local.*]

9 M

Deductions

Deductions and Payments upon the Receipt of the Residue of his or her Rent ; and in case any Tenant or Occupier shall pay or have had levied upon him or her more Money on account of such new paving, pitching, or gravelling, or amending or repairing as aforesaid, than shall be due from him or her for the Rent of his or her House, Shop, Malthouse, Warehouse, Stable, Building, Court, Yard, Garden, Land, Tenement, or Hereditaments, the Overplus thereof shall be repaid to such Tenant or Occupier by the Owner or Proprietor, Feoffee or Trustee of such Premises respectively ; and in case of Nonpayment of such Overplus within Ten Days after Demand made thereof by such Tenant or Occupier, or by some Person on his or her Behalf, then the same shall and may be recovered of and levied on the Owner or Proprietor, Feoffee or Trustee of such respective Premises, by Distress and Sale of the Goods and Chattels of such Owner or Proprietor, Feoffee or Trustee, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace, in manner aforesaid, together with the Costs and Charges of such Warrant, Distress, and Sale.

For paving
the Entrance
to Gateways.

XXII. Provided always, and be it further enacted, That nothing herein-before contained shall extend, or be construed, deemed, or taken to compel any Person or Persons to pave so much of the Foot Pavement before their respective Premises aforesaid as shall extend across the Gateway or Passage for Horses or Carriages into any Yard or Court, with Flagstones, but such Person or Persons shall cause such Crossings to be pitched or paved with Limestone or such other Stones as the said Commissioners shall direct, in such a Manner as to form a good Footway across such Gateways or Passages.

For paving
Footways
over Bridges,
and in Front
of Meeting
Houses.

XXIII. And be it further enacted, That the Footways, Gutters, or Channels upon or over the Bridges across the Brook or Stream issuing from the said Parcel of Land called *Broadmeadow*, shall be paved, made, and kept in repair by the said Commissioners by and out of the Monies to be raised by virtue of this Act ; and the Footway, Gutters, or Channels in the Front or on the Sides of any Meeting House for Religious Worship, or Meeting House, Yard, or House licensed for Religious Worship, within the Limits of this Act, shall, when and so soon as the said Footpaths and Footways within the Limits of this Act, or any of them, or any Part or Parts thereof, as the said Commissioners shall think proper, shall have been so made and completed by or to the Satisfaction of the said Commissioners as aforesaid, be from Time to Time and at all Times thereafter paved, made, and kept in repair by the respective Ministers and Deacons or other Persons usually officiating in any such Meeting House or Place of Worship ; and in case of any Neglect in the Premises by the said Ministers or Deacons or other Person or Persons aforesaid, the said respective Footways, Gutters, and Channels shall be made and from Time to Time repaired by the said Commissioners ; and the Expences thereof, if not paid upon Demand, shall be by them recovered by Distress and Sale of the Goods and Chattels of the Ministers and Deacons of such Meeting Houses respectively for the Time being, or other Person so usually officiating therein, in like
Manner

Manner as the Expences of paving or repairing the other Footways within the Limits of this Act are by this Act directed to be recovered.

XXIV. And be it further enacted, That from and after the Commencement of this Act all and every Persons and Person who shall be assessed under or by virtue of this Act for or in respect of any Messuages, Lands, Tenements, or Hereditaments within the Limits of this Act, shall be, and they, he, and she are and is hereby exonerated, released, and for ever discharged from the Performance of Statute Duty for the Repairs of the public Highways, not only within the said Limits, but also in any other Part or Parts of the Town without the said Limits wherein the said Messuages, Lands, Tenements, or Hereditaments are situate, and from the Payment of any Composition. Money in lieu of such Statute Duty, and from all Rates and Assessments for the Repairs of the said Highways, as well within as without the said Limits as aforesaid, for or in respect of such Messuages, Lands, Tenements, or Hereditaments: Provided always, that in case the Monies by this Act authorized to be raised shall at any Time be insufficient for the Repair of the Highways within the Limits of this Act, and in case the said Highways or any or either of them shall be out of Repair, and any Indictment shall thereupon ensue, and any Fine shall thereupon be imposed upon the said Commissioners, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to raise and levy, by the same Ways and Means as any Rate may be raised and levied by virtue of this Act on the Tenants and Occupiers of all Lands, Tenements, and Hereditaments liable to be assessed towards the Repairs of the said Highways, at such Time or Times and in such Proportions as they shall think proper, such a sufficient Sum of Money as will put the said Highways in repair, and pay and discharge any such Fine.

Persons assessed under this Act to be exonerated from Statute Duty and Highway Rates.

XXV. And be it further enacted, That it shall not be lawful for the Trustees of any Turnpike Roads leading into the said Town to apply any Part of the Tolls arising on any of the said Roads, or any Monies borrowed or to be borrowed on the Credit of such Tolls, towards the paving, repairing, amending, stoning, gravelling, lighting, or watching any of the Streets, Lanes, Highways, or public Places within the said Town, nor to collect any Tolls therein; and such Streets, Lanes, Highways, or public Places shall not from henceforth be deemed or taken to be Part of any Turnpike Road.

Trustees of any Turnpike Road not to repair Streets, &c.

XXVI. Provided also, and be it further enacted, That all Indictments and other Processes of Law which may be brought for or on account of the Repair or Non-repair of the Streets, Lanes, and other public Places within the Limits of this Act, shall and may be brought against the said Commissioners or their Clerk, or any One or more of the said Commissioners, and being so brought shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Indictments may be brought in Name of the Clerk or of a Commissioner.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners, and the Surveyor for the Time being to be appointed

To prevent Nuisances being laid in

or near the
Sides of the
Highways.

appointed by them, to remove and prevent all Annoyances in and upon any and every Part of the Highways, Streets, Lanes, and public Places within the Limits of this Act, occasioned by Filth, Dung, Manure, Ashes, Rubbish, or any other Matter or Thing whatsoever being laid, thrown, or placed upon any of the said Highways, Streets, Lanes, and public Places, or upon the Sides of the Road within Eighty Feet of the Centre thereof, and sell and dispose of the same in aid of the Funds to be raised from Time to Time for the Purposes of this Act, in case the Owner thereof shall neglect to remove the same within Three Days after Notice in Writing, signed by any Three of the said Commissioners or their Surveyor for the Time being, given to or left at the usual Place of Abode of such Owner for that Purpose; and to turn, cover, or stop up any Sinks, Drains, Sewers, or Watercourses running into, along, or out of any of the aforesaid Highways, Streets, Lanes, and public Places, to the Prejudice of the same, or to the Annoyance or Inconvenience of any of the Inhabitants of the said Town, and to open, scour, and cleanse any Watercourses or Ditches adjoining to any of the said Highways, Streets, Lanes, and public Places, and make the same as deep and large as they shall think proper and necessary, in case the Owners or Occupiers of the adjoining Lands shall neglect to open, scour, or cleanse such Watercourses or Ditches after Five Days Notice in Writing given for that Purpose; and the Charges thereof, and of removing any Annoyances, to be settled by any Justice or Justices of the Peace, shall be reimbursed to the said Commissioners or their Surveyor by such Owners or Occupiers; and the same shall be recovered in such Manner as Penalties and Forfeitures are herein directed to be recovered; and if, after the Removal of any such Annoyances, any Person shall again offend in the like Kind, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For Removal
of other
Nuisances.

XXVIII. And be it further enacted, That in case any Slaughterhouse, Pigstye, Necessary House, or other noisome or offensive Building or Place whatsoever within the Limits of this Act, shall, upon Complaint made to the said Commissioners by any of the Inhabitants or Persons residing therein, be by such Commissioners deemed either a general Nuisance or Annoyance, or a Nuisance or Annoyance to any such Inhabitant or Person individually, it shall and may be lawful to and for the said Commissioners, by Notice in Writing under the Hands of any Three or more of them, or under the Hand of their Surveyor or Clerk for the Time being, to order any such Nuisance or Annoyance to be removed; and in case the same shall not be removed within Fourteen Days after such Notice given to the Person or Persons who ought to remove the same, or left at his, her, or their usual Place of Abode, such Person or Persons shall forfeit and pay any Sum not exceeding Ten Shillings for every Day the same shall continue unremoved after the Expiration of the Time mentioned in such Notice: Provided always, that when any Person or Persons shall think himself, herself, or themselves aggrieved by such Order as aforesaid, and shall give Notice to the said Commissioners or their Clerk of his, her, or their Intention to appeal against the said Order, and shall enter into Recognizance within the
Time

Time and in the Manner herein-after mentioned and provided for in respect of Appeals against any Matter or Thing to be done in pursuance of this Act, such Person or Persons shall not be subject or liable to pay any such Penalty or Forfeiture until the Expiration of Fourteen Days next after the Hearing and Determination of such Appeal, and the Confirmation thereupon of the said original Order of the said Commissioners.

XXIX. And be it further enacted, That if any Person shall remove or take away any Materials laid upon or near to the said Streets, Lanes, Paths, or Passages within the Limits of this Act, for the Repairs thereof, without the Order of the said Commissioners or of their Surveyor, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on taking away Materials.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners to cause, order, or direct any Sewers, Gutters, Drains, or Watercourses to be made into, upon, through, over, along, or under any of the Roads, Ways, Streets, Lanes, Highways, Passages, or other public Places within the Limits of this Act, for the Purpose of carrying off Water, Mud, or Filth from the same; and also to make new Ditches, Drains, Sewers, and Watercourses in and through the Lands adjoining and lying near to such Highways and Places, or in and through any other Lands, for the more easy and effectual carrying off such Water, Mud, and Filth from the said Highways and Places, with the Consent of the Proprietors of such adjoining or other Lands (but not otherwise); and also to cause any of the present or future Sewers, Gutters, Drains, or Watercourses within the said Limits to be stopped up, or otherwise opened, enlarged, altered, or cleansed, or the Form or Course thereof to be altered, turned, varied, changed, or diverted, in such Manner as the said Commissioners shall think expedient; and also from Time to Time to cause Grates to be placed on or over any of the said Sewers, Gutters, Drains, or Watercourses, and to remove, alter, or vary the Situations of the present or any future Grates placed or to be placed in or over the same, in such Manner as the said Commissioners shall think proper; and also to sink any Well or Wells, and place and keep in repair any Pump or Pumps therein, for the Use of the Inhabitants of the said Town; and also to take up or remove all or any Posts, Rails, Steps, Spouts, Pales, Trees, Fences, or other Erections or Projections in such Roads, Ways, Streets, Lanes, Passages, or Places, or any of them, as they the said Commissioners shall judge to be a Nuisance or an Obstruction to free Passage along the same, and to erect or set up any other Posts, Rails, Steps, Spouts, Pales, Fences, or Buildings therein, as they shall think proper; and also from Time to Time to employ such Workmen, Labourers, and other Persons, and to hire, purchase, employ, and use such Horses, Carts, Tools, and Implements, as the said Commissioners shall judge to be necessary for effecting such Purposes, or any of them; and the several Persons so to be employed by the said Commissioners for the aforesaid Purposes shall have and are hereby invested with full Power and Authority to execute the same.

Street Drains, Gutters, &c.

Vesting
Pavements,
Drains, &c.
in Commis-
sioners.

XXXI. And be it further enacted, That all the present and future Pavements, Curbstones, Flagstones, Stones, Pebbles, Gravel, and other Materials of the several present and future Streets, Lanes, Highways, Thoroughfares, and public Places, as well of the Carriageways as Footways, Footpaths, and Causeways, within the Limits of this Act, and all the present and future public Drains, Ditches, Sewers, Culverts, Tunnels, Gutters, Grates, and Sinks, Pumps, Wells, Pipes, Posts, Pillars, Pilasters, Lamp Irons, and Lamps, Soil, Manure, Ashes, Dirt, and Rubbish therein, and all other Articles, Matters, and Things now being or at any Time and Times hereafter to be within the Limits of this Act, shall be held by and be deemed to belong to and be the Property of the said Commissioners, and the same are hereby vested in the said Commissioners; and the said Commissioners shall and may cause any Action to be brought, or direct any Bill of Indictment to be preferred, as the Case may require, against any Person who shall steal, take or carry away, detain, destroy, deface, damage, or injure the several Articles, Matters, and Things so hereby vested in the said Commissioners, or any Part thereof; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Article, Matter, or Thing for 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 paving, lighting, cleansing, draining, watching, and otherwise improving the Town of *Ross*," without stating or specifying the Names of all or any of the said Commissioners.

Power to
light Streets.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, to cause the Streets, Lanes, Passages, and other public Places within the Limits of this Act to be well and effectually lighted, either with Gas or with Oil or otherwise, at such Seasons and Times as the said Commissioners shall judge proper; and for that Purpose the said Commissioners are hereby also empowered, if they shall think it expedient so to do, to purchase or rent, from any Person willing to sell or let the same, any Buildings, Erections, or Lands within or without the Limits of this Act, not exceeding Two Statute Acres, for the Purpose of erecting and making suitable Buildings and Apparatus therein and thereon for the manufacturing of Gas, and also to break up the Soil or Pavement of any of the Footways or Carriageways of any of the said Streets, Lanes, Passages, or other public Places, and to cause Mains or Pipes for the Conveyance of Gas to be laid and carried along, through, and under all, any, or either of such Streets, Lanes, Passages, and other public Places within the said Limits, and to cause such and so many Lamp Irons, Lamp Posts, Pillars, Pilasters, and Pipes, as they shall judge necessary, to be affixed or set up into, upon, or against any of the Walls or Palisadoes of any of the Houses or Buildings, or any other Walls or Fences within the same, or in or upon any of the Carriageways or Footways within the said Limits, in such Situations and at such Distances and in such Manner as the said Commissioners shall think proper, and to cause so many Glass or other Lamps, with such Sorts of Burners, Reflectors, or other Apparatus, and of such Dimensions, Constructions, or Qualities, as the said Commissioners shall judge proper, to be provided and affixed upon or

to such Iron Posts, Pillars, Pilasters, and Lamps, or any of them, and to be from Time to Time taken down, removed, altered, repaired, renewed, or replaced when and as often as they shall think proper, and to cause such Lamps or any of them to be lighted at such Seasons of the Year, on such Evenings, and at such Hours of the Evening, and to be kept burning for so many Hours as shall be thought expedient by the said Commissioners; and from and after the laying and fixing such Mains or Pipes, Posts, Pillars, Pilasters, Irons, and Lamps, the same and every of them shall be held and deemed to belong to and be the Property of the said Commissioners, and the same are hereby vested in the said Commissioners for the Time being.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to contract and agree with any Company, or Body or Bodies Politic or Corporate, or with any other Person or Persons, to light the said Streets, Lanes, Passages, and other public Places, or any of them, with Gas or with Oil, or otherwise, as to the said Commissioners shall from Time to Time seem proper and expedient, and to provide and set up all necessary Lamps, Lamp Posts, Lamp Irons, and other Works necessary for such Purposes, and to widen, alter, amend, and improve the Streets, Lanes, Highways, and other public Places within the Limits of this Act, and to stop up, alter, extend, or enlarge and cleanse any Drains, Sewers, Gutters, Sinks, and Watercourses, and to watch, water, sweep, cleanse, and drain the said Streets, Lanes, Highways, and other public Places, and to furnish Materials, and to do and perform all other Matters and Things necessary for completing any of the Works by this Act authorized to be done.

Power to contract for lighting, &c.

XXXIV. 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 Limits of this Act for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building or Premises 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, without the Consent in Writing of the Owner and Occupier of every such Dwelling House, Building, Lands, Tenements, and Hereditaments respectively for that Purpose first had and obtained.

Not to carry Pipes through private Property without Consent, &c.

XXXV. And be it further enacted, That in case the said Commissioners shall deem it expedient to erect such Gas Apparatus, and to light the said Streets, Lanes, and other public Passages and Places, or any of them, with Gas or Inflammable Air, without contracting for the same as aforesaid, it shall be lawful for the said Commissioners, after sufficiently lighting such Streets, Lanes, Entries, and other public Passages and Places, to let out or grant, to any Person or Persons whomsoever who shall be willing to take the same, any Light or Lights, or Argand, Cockspur, Batwing, or any other Kind of Burner or Burners, and to supply the same with Gas or Inflammable Air,

Commissioners empowered to let out Gas Lights.

upon

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upon such Terms and Conditions, and at such annual Rents for the same, and in such Manner as they the said Commissioners shall from Time to Time think proper: Provided nevertheless, that all Money to proceed therefrom or arise thereby shall be in the first instance applied to defray the Expences of the Gas Apparatus and other Things connected therewith; and if there shall be any Overplus, then the same shall be applied generally for the Purposes of this Act.

Recovery of
Rent for Gas.

XXXVI. And be it further enacted, That in case any Person or Persons who shall contract with the said Commissioners, or otherwise agree to take, or shall use or enjoy, the Benefit of the said Gas in their private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, shall refuse or neglect, for the Space of Ten Days after Demand, to pay the Sum or Sums then due for the same to the said Commissioners, according to the Terms and Stipulations of his, her, or their Contract or Agreement with the said Commissioners, it shall be lawful for the said Commissioners, or their Clerk or Clerks, or any Person or Persons acting by or under their Authority, by Warrant under the Hand and Seal of any Justice of the Peace for the said County, to levy the said Sum or Sums of Money in respect whereof such Neglect or Refusal shall happen by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) to such Person or Persons so refusing or neglecting, after the necessary Charges of making such Distress and Sale shall be first deducted.

Commission-
ers to repair
Damage done
to Walls, &c.
by fixing
Lamp Posts,
&c.

XXXVII. Provided always, and be it further enacted, That if any Injury or Damage shall be occasioned to any Rail, Building, or Wall, by the affixing, setting up, or taking down, altering or removing, any Lamp or Lamp Iron, or other Fastening thereof, the said Commissioners shall immediately cause the said Injury or Damage to be well and sufficiently repaired, and the Expences attending the same shall be paid out of the Money to be raised by virtue of this Act: Provided also, that in case the said Commissioners shall enter into any Contract with any Company, or Body Politic or Corporate, or any other Person or Persons, for the lighting the said Streets, Lanes, Entries, and other public Passages and Places with Gas, the said Company, or Body Politic or Corporate, shall in the supplying of such Gas, or in the laying or repairing any Pipes, Plugs, or other Works or Apparatus, do as little Damage as may be, and shall forthwith fill in the Trenches and make good the Pavements and Roads, and carry away the Rubbish occasioned thereby, and shall in the meantime sufficiently fence or guard and affix Lights during the Night at or near the Place or Places where any Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, or Carriages; and if after such Pavements or Roads shall have been so repaired and made good, the same shall within Six Calendar Months thereafter give way, or require relaying or repairing in consequence of laying down such Pipes, Plugs, or other Apparatus, the same shall be forthwith done and performed by and at the Expence of the said Company, or Body Politic or Corporate, or other Person or Persons as aforesaid: Provided also, that if there shall be any wilful or negligent Delay in the said Company,

Company, or Body Politic or Corporate, or any of their Agents or Servants, or any such other Person or Persons, in filling in such Grounds, or removing Rubbish, or making good any such Pavements or Roads, or in case the same shall be imperfectly repaired, or the Ground so opened shall not be sufficiently fenced or guarded and lighted, then and in every such Case it shall be lawful for the said Commissioners or their Surveyor to cause such Ground to be filled in, and to remove such Rubbish, and repair and make good the Pavement of any such Street, Lane, Entry, Passage, and other public Place so broken up, and properly to fence or guard any such Trench or Excavation, and to place and maintain such Light or Lights during the Night as to the said Commissioners or their Surveyor shall seem necessary; and the reasonable Costs and Charges thereof shall be paid by the said Company, or Body Politic or Corporate, or their Treasurer or Treasurers, or by such other Person or Persons as aforesaid; and in default of Payment thereof for Thirty Days next after Demand made for the Payment thereof, (Proof of such Demand being made by the Oath of any credible Witness or Witnesses before any Justice or Justices of the Peace, such Justice or Justices not being interested in the Matter in question,) all such reasonable Costs, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, or Body Politic or Corporate, or other Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by a Warrant under the Hand and Seal of any such Justice or Justices, and which Warrant such Justice or Justices is and are hereby required to grant; and such Penalties, Costs, Charges, and Expences shall be paid to such Commissioners or their Surveyor, in aid of the Money to be raised for the Purposes of this Act.

XXXVIII. Provided always, and be it further enacted, That in case any Pipe, Cock, or Branch shall be carried or laid from any Main or Pipe of the said Commissioners, Company or Companies, Body or Bodies, or other Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building or Premises therein, into or through or against any private Dwelling House, Manufactory, Warehouse, Building, Yard, or Ground, for the Purpose of lighting the same, or any other Dwelling House, Manufactory, Building, Yard, or Ground, in pursuance of and conformable to the Powers and Authorities in this Act contained, and the Owner or Occupier of any such private Dwelling House, Manufactory, Warehouse, Building, Yard, or Ground into or through or against which such Pipe, Cock, or Branch shall pass or be laid, shall be desirous that the same Pipe, Cock, or Branch shall be altered or removed and taken away, and of such his or her Desire shall give Notice in Writing to the said Commissioners, Company or Companies, Body or Bodies, or other Person or Persons as aforesaid, then and in every such Case the said Commissioners, Company or Companies, Body or Bodies, or other Person or Persons shall within Seven Days after the Receipt of such Notice alter or remove and take away, or cause to be altered or removed and taken away, all or any such Pipes, Cocks,

Pipes to be removed from Dwelling Houses on Notice.

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and Branches as shall have been so introduced and laid therein or thereupon from any such Main of the said Commissioners, Company or Companies, Body or Bodies, or other Person or Persons as aforesaid; and in default thereof it shall and may be lawful to and for such Owner, Occupier, or any other Person or Persons acting under his or her Authority, to cause such Pipes, Cocks, and Branches to be altered or removed and taken away, as the Case may require; and the Costs and Expences of such Removal shall be recovered from the said Commissioners, Company or Companies, Body or Bodies, or other Person or Persons as aforesaid, on Complaint before a Justice of the Peace, as any Penalty is recoverable under this Act, if the same be not paid on Demand by such Commissioners, Company or Companies, Body or Bodies, or other Person or Persons as aforesaid.

Gas to be supplied cheaper than Oil.

XXXIX. And be it further enacted, That any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons making, furnishing, or supplying any Gas to be used, burnt, or consumed within the Limits of this Act for lighting the public Lamps in any Street, Highway, or Place therein, shall and they are hereby directed and required to supply the Gas for such public Lamps, of such Quality as shall at all Times afford a cheaper and better Light than could be obtained from Oil; and every Contract or Agreement which shall be entered into by virtue of this Act for lighting with Gas such public Lamps shall contain a Clause or Covenant providing that it shall be obligatory on the Company, Body Politic or Corporate, or Person or Persons contracting to furnish such Gas Lights, that such public Lamps shall at all Times be better and cheaper lighted by the said Party or Person or Persons so contracting than could be done by Oil Lamps.

Service Pipes to be kept fully charged with Gas.

XL. And be it further enacted, That the Branch or Service Pipes which shall be put down for lighting the said Streets, Lanes, Entries, and other Passages and public Places, shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

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

XLI. 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 Limits of this Act for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building or Premises therein, for the Conveyance of Gas in, under, through, along, across, or round any Street, Lane, Entry, or other Passage or Place within the Limits of this Act, 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 the least;) and that in laying down the said Gas Pipes the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Limits for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building or Premises therein, shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall then in such Trench, and not before, properly form and complete, with proper and sufficient Materials, the Jointing with the other Pipe or Pipes to be connected therewith, and shall also make and keep air-tight all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, and in all and every respect prevent the said Gas from escaping therefrom, or from any Part thereof, upon pain of forfeiting for every Default the Sum of Fifty Pounds, to be recovered with full Costs of Suits by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*.

XLII. And be it further enacted, That whenever any Gas shall be found to escape from any Pipes which shall be laid down or set up by the said Commissioners, or by any Company or Companies, 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 Limits of this Act for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building or Premises therein, the said Commissioners, Company or Companies, Body or Bodies, 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, by any Inhabitant or Inhabitants within the Limits of this Act, or other Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Commissioners, or the Company or Companies, 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 Commissioners, Company or Companies, or the 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; which Penalty or Penalties shall from Time to Time be recoverable in a summary Way, on the Oath or Affirmation of some credible

For preventing the Escape of Gas.

credible Witness or Witnesses, by Information to be laid before some Justice or Justices of the Peace, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the Treasurer of the said Commissioners, or of the Goods and Chattels of such Company or Companies, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid.

Commissioners, &c. to prevent Contamination of Water.

XLIII. And be it further enacted, That whenever the Water of any Company of Proprietors or other Owners or Proprietors of any Waterworks within the Limits of this Act, 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 Limits of this Act for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building or Premises 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, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, 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 in Writing signed by any of the Directors, or by the Treasurer, or by the Manager or Chief Clerk for the Time being of and 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 so contaminating or affecting any such Water; and in case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid shall on each and every Complaint whereof Notice shall be given as aforesaid forfeit and pay to the Treasurer for the Time being,

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 to be recovered as aforesaid, the 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 shall and may be recovered by Information to be exhibited, on the Oath of One credible Witness, by and in the Name of the Treasurer, Manager, or Chief Clerk for the Time being of the said Company of Proprietors or other the Owners or Proprietors of any Waterworks, or by and in the Name of any One or more of the Directors of the said Company of Proprietors or other the Owners or Proprietors of any Waterworks, at the Option of the Parties prosecuting such Information, or in the Name of the Party or Person interested in or using any such Water, and complaining as aforesaid, against the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, before any Justice of the Peace, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties 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.

XLIV. And whereas it may be or 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 Limits of this Act for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building or Premises therein; be it therefore enacted, That in every such Case it shall and may be lawful to and for the said Company or other the Owners or Proprietors of any Waterworks to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by the Gas of the said Commissioners, Company or Companies 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

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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, or other Party or Person making Complaint of such Contamination, 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, and be recoverable in the same Manner as any Penalty or Forfeiture is recoverable under this Act.

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

XLV. 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 Limits of this Act for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building or Premises therein, shall at any Time empty, carry, drain, or convey, or cause or suffer to be emptied, carried, 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 Prosecution of the said Gas Works, into any River, Brook, or running Stream, Reservoir, Aqueduct, Canal, Feeder, Pond, or Springhead or Well, 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, Canal, Waterway, Feeder, Pond, or Springhead or Well, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in every such Case the said Commissioners, or such Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty and Forfeiture shall and may be

sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed; and such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months after the Time when such Annoyance, Act, and Thing shall have ceased: Provided also, that in addition to the said Penalty of Two hundred Pounds, (and whether such Penalty shall or shall not be sued for or recovered,) in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Aqueduct, Waterway, Canal, Feeder, Pond, or Springhead, or Well, 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 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 in the same Manner as other Forfeitures and Penalties inflicted or imposed by this Act are herein-after directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act done or committed.

XLVI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously remove, take away, 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 Body Politic or Company, or Person or Persons, so contracting as aforesaid, or shall wilfully or maliciously waste any of the Inflammable Air or Gas supplied by them, any or either of them, every Person so offending in any of the respective Premises, and being thereof lawfully convicted, on the Oath or Affirmation of some credible Witness, before some Justice or Justices of the Peace, shall forfeit and pay to the said

Penalty on
damaging
Pipes, &c.

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Commissioners, Body Politic or Company, or other Person or Persons as aforesaid, 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 and may be committed to the Common Gaol or House of Correction, there to remain for any Time not exceeding Six Calendar Months.

Not to take up Pavement without Consent of the Commissioners.

XLVII. And be it further enacted, That if any Person whomsoever shall at any Time hereafter take up, remove, or alter, or cause to be taken up, removed, or altered, any Part of the Pavements, Flags, or other Materials of the Carriageways or Footways in the said Streets, Lanes, Passages, or other public Places, or any of them, within the Limits of this Act, or shall make or cause to be made any Alterations in any of the Tunnels, Gutters, Sewers, Drains, or Watercourses therein, without the previous Consent or Authority of the said Commissioners made or given at some Meeting held in pursuance of and according to the Directions of this Act, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Penalty on wilfully breaking Lamps.

XLVIII. And be it further enacted, That if any Person shall wilfully break, take away, throw down, displace, or otherwise destroy or damage any Lamp which shall be erected by Order of the said Commissioners, or which may be erected by any Company, or Body Politic or Corporate, or other Person or Persons, at his or their own Expence, for the Purpose of lighting any of the said Streets, Lanes, Entries, and other public Passages and Places, or any Post, Iron, or Cover or Furniture thereof, or shall wilfully extinguish the Light or Lights of or in any such Lamp or Lamps, it shall be lawful for any Justice of the Peace, and he is hereby required, upon Complaint to him made by some credible Witness or Witnesses of any such Offence having been committed, to summon the Party or Parties complained of for doing such Damage; and in case of his, her, or their making Default to appear to such Summons, (Oath or Affirmation being made that the Party or Parties complained against had been served with such Summons, or that the same had been delivered to some Inmate at his, her, or their usual Place of Abode,) it shall be lawful for any Justice of the Peace and he is hereby required to issue a Warrant for apprehending the Party or Parties accused; or it shall and may be lawful to and for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending, the Offender or Offenders, and by Authority of this Act, 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 of the Peace; and such Justice shall and he is hereby required to proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either on his, her, or their Confession, or upon

upon such Evidence as aforesaid, then and in every such Case he, she, or they shall for every such respective Offence forfeit and pay any Sum not exceeding Five Pounds, and shall, in addition to the Payment of such Penalty, make a full Satisfaction (to be ascertained by such Justice) to the said Commissioners or to the Party injured, for the Damage so done; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty, and make such Satisfaction as aforesaid, such Justice is hereby authorized and required to commit such Offender or Offenders to the Common Gaol or House of Correction, there to be kept to hard Labour for any Time not exceeding Six Calendar Months, unless such Penalty and Satisfaction shall be sooner paid.

XLIX. And be it further enacted, That if any Person shall carelessly, negligently, or accidentally break, throw down, or otherwise destroy or damage any Mains or Pipes, Posts, Pillars, Pilasters, Lamps, or Lamp Irons respectively, or shall carelessly, negligently, or accidentally break any Glass Pane or Window, Panes or Windows, of or belonging to any Dwelling House or other Building, or shall otherwise carelessly, negligently, or accidentally injure, damage, or deface any Dwelling House or Building, or any thing appurtenant thereto, or any Causeway or Foot Pavement, Curbstone, Step, Post, Rail, Spout, Pale, Tree, or Fence within the Limits of this Act, and shall not, upon Demand, make Satisfaction for the Damages done, then and in every such Case it shall be lawful for any Justice of the Peace, and he is hereby required, upon Complaint thereof made, to summon before him the Party or Parties so complained of, and upon his, her, or their appearing, or making Default to appear, (Oath or Affirmation being made that the Party complained against had been served with such Summons, or that the same had been left at his, her, or their usual Dwelling or Place of Abode with some Inmate there,) such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either by Confession of the Party or by the Oath or Affirmation of any credible Witness, shall award and order such Satisfaction to be made by the Party or Parties complained against, for the Damages so done as aforesaid, as to such Justice shall appear just and reasonable; and in case the Sum so awarded shall not be paid forthwith, it shall be lawful for such Justice and he is hereby required to cause such Satisfaction or Compensation to the Party or Parties injured or damaged, to be levied and recovered in such and the same Manner as any Fine or Penalty is by this Act directed to be levied and recovered, together with the Costs and Charges of such levying and recovering.

Satisfaction to be made for accidental Damage to Lamps, &c.

L. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered from Time to Time to cause the said Streets, Lanes, Entries, and other public Passages and Places, or such of them as they shall think fit, to be safely and properly watched by such Number of able-bodied Men as they shall judge proper to be employed as Watchmen or as a Patrol, under such Regulations and subject to such Orders as the said Commissioners shall make and give from Time to Time in that Behalf; and

Streets to be watched, &c.

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to erect and provide a proper Watch-house or Lock-up House, containing Two or more Cells, for the safe Custody of such Persons as may be apprehended by such Watchmen or Patrol, and appoint any One of such Watchmen or Patrol, or other Person, to keep the same; and to provide proper Watch-houses, Watchboxes, or Places for the Reception of such Watchmen and Patrol whilst on Duty; and to pay such Watchmen or Patrol whilst on Duty, and also such Lock-up House Keeper, reasonable Wages or Allowances; and also to impose, from Time to Time, any Fine not exceeding Five Pounds on any Lock-up House Keeper, Watchman, or Patrolman, for every Neglect or Misbehaviour, (such Fine to be deducted out of the Wages of such Lock-up House Keeper, Watchman, or Patrolman,) or to discharge such Lock-up House Keeper, Watchman, or Patrolman; and from Time to Time to make such Orders and Regulations as they the said Commissioners shall deem expedient for the better Government of the Lock-up House Keeper, Watchmen, or Patrolmen to be so appointed as aforesaid; and to give and allow, out of the Monies to be raised by virtue of this Act, such Reward or Allowance as they shall think fit to any Lock-up House Keeper, Watchman, or Patrolman, and others, who may be wounded or disabled in the Execution of his or their Office or Duty.

Duty of
Watchmen.

LI. And be it further enacted, That it shall be lawful for such Watchmen and Patrolmen, or any of them, and they are hereby required, within their respective Stations, to apprehend and secure in some proper Place or Places of Security to be for that Purpose appointed all Malefactors, Rogues, Vagabonds, idle and disorderly Persons, Disturbers of the public Peace, Prostitutes, Thieves, and all suspected Persons who shall be found wandering or misbehaving themselves during the Hours of keeping Watch within the Limits of this Act, and to conduct all such Persons, so soon as conveniently may be, before some Justice of the Peace, to be examined and dealt with according to Law.

Watchmen
vested with
the Powers of
Constables.

LII. And be it further enacted, That all Watchmen and Patrolmen shall be appointed by the said Commissioners, and shall be sworn in as Constables before some Justice of the Peace, who is hereby empowered and required to swear them in accordingly; and such Watchmen and Patrolmen shall act as such whilst 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 the like Pains, Penalties, and Forfeitures, as any Constable or Constables is or are invested with or are subject or liable to by Law.

Penalty on
Persons
harbouring
Watchmen
whilst on
Duty.

LIII. And be it further enacted, That if any Victualler, Alehouse Keeper, or other Person selling spirituous or other Liquors, Beer or Cider, shall entertain or harbour in his or her House or Outhouses any Watchman or Patrolman during any of the Hours or Times appointed for the Attendance on Duty of such Watchmen or Patrolmen by virtue of this Act, every such Victualler or other Person so
offending

offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, and every Watchman or Patrolman Five Shillings.

LIV. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required to cause all the Streets, Lanes, Entries, and other public Passages and Places within the Limits of this Act, or such of them as they shall think fit, to be properly cleansed, drained, and kept clean, and also to cause the said Streets, Lanes, Entries, and other public Passages and Places, or such of them as they shall think proper, to be watered from Time to Time, and for those Purposes to employ any Persons, and to purchase or hire any Carts or other Carriages, and also any Horses, and to cause the Dirt, Dust, Soil, Dung, Manure, and Filth in any such Streets, Lanes, Entries, and other public Passages and Places, to be taken and carried away.

Commissioners to direct Streets to be cleansed.

LV. And be it further enacted, That the respective Occupiers of Houses or other Buildings or Tenements, with the Appurtenances, within the Limits of this Act, shall and they are hereby required to cause the Footways and Foot Pavements to be well and sufficiently swept and cleansed, before, behind, and at the Sides of their respective Houses or other Buildings, (as the Situation thereof shall require,) every *Saturday* in each and every Week, or oftener, if the said Commissioners shall make any Order that the same shall be done oftener, and shall cause Notice of such Order to be left at the usual Residence of such Occupier, requiring the same to be so done oftener; and such respective Occupiers shall also cause the Dirt and Soil to arise from such sweeping and cleansing to be collected and taken away, and also during the Winter Season cause the said Footways and Foot Pavements to be kept clear and free from all Ice and Snow; and in default thereof such Occupier shall for every such Offence forfeit and pay to the said Commissioners any Sum not exceeding Forty Shillings.

Inhabitants to sweep Pavements opposite their Houses.

LVI. And be it further enacted, That in case any Person shall sweep, rake, or place, or cause to be swept, raked, or placed, any of the Mud, Dirt, Dust, Rubbish, Filth, or Soil in the said Streets, Lanes, Roads, and public Places, or brought therein, to, into, or upon the Channels on the Sides of the said Streets, Lanes, Roads, and public Places, every such Person shall forfeit and pay any Sum not exceeding Five Pounds for each Offence.

Dirt not to be swept in Channels.

LVII. And be it further enacted, That if any Person or Persons other than such Occupiers, or the Scavenger or Person or Persons employed by or contracting with the said Commissioners for cleansing the said Streets, Lanes, Entries, and other public Passages and Places, or the Person or Persons employed by or acting under the Direction of the Person or Persons so contracting, shall take and carry away or cause to be taken and carried away any Dust, Dung, Manure, Dirt, Ashes, or other Filth, out of any of the Streets, Lanes, Entries, and other public Passages and Places, every such Person so offending shall

No Person to take away Dirt but the Contractors.

shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Persons re-
serving
Ashes, &c.
for their own
Use, not to
suffer the
same to lie in
the Streets,
&c.

LVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prevent any of the Inhabitants from preserving or keeping any Dung, Ashes, Cinders, Dust, Filth, or Rubbish within their Houses, Yards, Gardens, or Premises, for their own Use, or from removing the same to any other Place by them occupied, so as such Dung, Ashes, Cinders, Dust, Filth, or Rubbish be not laid down or placed in any of the said Streets, Lanes, Entries, or other public Passages or Places for any longer Time than shall in the Judgment of any of the said Commissioners be necessary for the Purpose of loading and carrying away the same, and be not of any Annoyance to any Person or Persons; but in case any Person shall permit or suffer the same to be so placed as to become a Nuisance or Annoyance as aforesaid, and shall not remove the same within Six Hours after Notice in Writing so to do, signed by any Three or more of the said Commissioners, or by their Surveyor or Clerk, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every Day such Annoyance shall be permitted to remain after such Notice as aforesaid; and it shall be lawful for the Person or Persons to be appointed by or contracting with the said Commissioners for cleansing the said Streets, Lanes, Entries, and other public Passages and Places, and they are hereby authorized and directed, to take and convert such Dung, Ashes, Cinders, Dust, Filth, and Rubbish to his, her, or their own Use and Uses, and to sell and dispose thereof, without rendering any Satisfaction for the same.

Commission-
ers may con-
tract for Exe-
cution of the
Works under
the Act.

LIX. 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 contract and agree with any Person or Persons they may think proper for the paving, flagging, stoning, widening, altering, or amending the Carriageways and Footways, and for draining, amending, improving, watching, cleansing, and watering the said Streets, Lanes, and other public Places within the Limits of this Act, and for furnishing Materials for the said Purposes, and for doing and performing all other Matters and Things necessary for completing any of the Works authorized or directed by this Act; which Contract or Contracts so to be entered into shall be reduced into Writing, and be signed by the said Commissioners, or any Five or more of them, and also by the Person or Persons contracting to perform the same respectively; all which Contract or Contracts shall specify the several Works and Things to be done, and the Prices to be paid for the same, and the Time or Times when such Works or Things shall be done, performed, and completed, and the Penalties to be suffered in case of Nonperformance thereof; and such Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Commissioners: Provided always, that Seven Days Notice at the least shall be given previous to the Meeting for entering into any such Contract, by Writing to be affixed on the Church Door aforesaid, or in such other Manner as the said Commissioners shall direct, in which Notice shall be specified the Works and Things to be

be contracted for at such Meeting, to the end that Persons may tender Proposals for such Contracts at a certain Time and Place, in such Notice to be mentioned; and the said Commissioners shall and they are hereby required to take Security from every such Contractor for the due Performance of his, her, or their Contract; and it shall be also lawful for the said Commissioners and they are hereby also directed to cause the Works to be done in pursuance of such Contracts to be inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed, according to the true Intent and Meaning of such Contract or Contracts, or shall not be done and completed at or within the Time or Times and at such Times as shall be by such Contract or Contracts limited for doing and completing the same, the said Commissioners shall and may bring or cause to be brought any Action or Actions at Law, or Suit or Suits in Equity, against the Person or Persons so contracting and neglecting to perform such Contract or Contracts, or for any Injury suffered or sustained on account of the Nonperformance thereof; and upon proving the signing of such Contract or Contracts the said Commissioners shall be entitled to and shall recover, for the Purposes of this Act, such Penalty or Damage as may be awarded, with full Costs of Suit.

LX. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners from Time to Time and at all Times hereafter to compound and agree with any Person or Persons against whom the said Commissioners shall bring or cause to be brought any Action or Suit for any Penalty incurred in any Contract hereafter to be made or entered into in pursuance of this Act, on account of any Breach or Nonperformance of any such Contract, for such Sum or Sums of Money as they shall think proper, so as the Sums compounded and agreed for be not less than the Injury sustained by the Breach or Nonperformance of such Contract, and the Costs, Charges, and Expences which shall have been or which may be occasioned thereby: Provided always, that the said Commissioners, or their respective Estates, shall not be liable in their individual or personal Capacity to any Loss, Damage, or Prejudice by reason of their signing any such Contract.

Commissioners may compound for Breach of Contract.

LXI. And be it further enacted, That it shall be lawful for the said Commissioners at any Time to hire any Room or Building they shall think fit, in any convenient Place or Places within the Limits of this Act, for the Purpose of making use thereof as and for an Office or Offices for holding their Meetings and keeping their Accounts, and transacting the Business relating to this Act, and as a Storehouse or Storehouses for keeping their Implements and Materials, and for other the Purposes of this Act, and to pay, out of the Money to arise by virtue of this Act, such Rent or Rents as they the said Commissioners shall from Time to Time agree upon; and also to accept and take a Lease of such Room, Building, or Buildings to themselves, or any of them, or any Person or Persons in Trust for them, for any Term or Number of Years, at and under such Rent or Rents as they shall

Commissioners may hire Room, Office, and Storehouse.

[*Local.*]

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from

from Time to Time think fit, and to pay such Rent or Rents out of the Monies aforesaid.

Projections,
&c. to be
removed by
Commission-
ers.

LXII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause all and every or any of the Penthouses, Spouts, Porches, Sheds, projecting Windows, projecting Foundations, Palisades, Rails, Posts, Fences, Steps, Causeways, Cellar Windows, Cellar Doors, Hatchways, Frontsteads, Courtyards, and other Obstructions and Projections whatsoever, and of what Nature or Kind soever, which are already erected, affixed, set up, laid down, or being against or in front of or belonging to any Houses or other Buildings whatsoever in any of the Streets, Lanes, Roads, Highways, Passages, or other public Places within the Limits of this Act, 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 obstructing, annoying, or endangering the public Passage along any of the aforesaid Streets, Lanes, Roads, Highways, Passages, or other public Places, to be taken down, removed, and carried away, or otherwise altered or reformed by the said Commissioners, or any Person or Persons acting under their Authority, in such Manner as shall be thought most proper and expedient by the said Commissioners, and also from Time to Time to pull down and remove, or cause to be pulled down and removed, all or any Posts, Rails, Pales, Trees, or Fences in or near the Streets, Lanes, Roads, Highways, Passages, or public Places, or any of them, within the said Limits, as they the said Commissioners shall judge useless or to be a public Nuisance or an Obstruction to Passengers, Horses, or Carriages, they the said Commissioners nevertheless first causing Fourteen Days Notice in Writing, under the Hands of Five or more of the said Commissioners, to be given to the respective Owners or Occupiers of such Houses or other Buildings, of their Intention to take down, remove, alter, or reform such Obstructions or Projections respectively, and causing as little Damage to be done in effecting every such Removal or Alteration as the Nature of the Case will allow, and also defraying the whole Costs and Charges of executing the same, by and out of the Monies to be raised for the Purposes of this Act.

Future Pro-
jections to be
removed by
Occupiers.

LXIII. And be it further enacted, That the several Occupiers of Houses and other Buildings situate in the several Streets, Lanes, Roads, Highways, or other public Places within the Limits of this Act, and every of them, are hereby authorized and required, at their own respective Costs and Charges, within Fourteen Days next after their respectively receiving Notice in Writing from the said Commissioners in that Behalf, signed by any Five or more of the said Commissioners, to cause all and every the Penthouses, Spouts, Porches, Sheds, projecting Windows, projecting Foundations, Palisades, Rails, Posts, Fences, Steps, Causeways, Cellar Windows, Cellar Doors, Hatchways, Frontsteads, Courtyards, and other Obstructions and Projections which shall after the passing of this Act be erected, set up, affixed, laid down, or be against or in front of or belonging to their respective Houses or other Buildings, which in the Judgment

of the 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, Roads, Highways, Passages, or other public Places within the said Limits, to be taken down, 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 Buildings as aforesaid shall neglect or refuse to cause any such Penthouse, Spout, Porch, Shed, projecting Window, projecting Foundation, Palisade, Rail, Post, Fence, Step, Causeway, Cellar Window, Cellar Door, Hatchway, Frontstead, Courtyard, or other Projection or Obstruction whatsoever which shall in future be so erected, set up, affixed, laid down, or be against or in front of or belonging to his or her House or other Building, and which shall be considered an Annoyance or Nuisance as aforesaid, to be taken down, removed, and carried away, or otherwise altered or reformed, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done by some Person or Persons acting under their Authority; and the Costs and Charges attending the same, having been ascertained by some Justice or Justices of the Peace, shall and may be recovered from the Occupier of such House or Building in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered, and when received, the same shall be paid to the Treasurer or Treasurers of the said Commissioners, to be applied to the general Purposes of this Act; and it shall be lawful for the Occupier of any such House or 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, or otherwise to have the same reimbursed or repaid to him or her in the same Manner as is hereinbefore directed and declared with respect to the Reimbursement to any such Occupier of any Monies laid out by or recovered of him or her for or by reason of the paving or repairing the Footways within the said Limits, except only in Cases where the Encroachment, Obstruction, Annoyance, or Nuisance so removed or altered shall have been originally occasioned by such Occupier, in which Case he or she shall bear the Expence of removing, altering, or reforming the same.

LXIV. And be it further enacted, That from and after the passing of this Act all Spouts and Pipes for conveying Water from the Roofs and Eaves of Houses or other Buildings into the Streets, Lanes, Entries, or other public Passages or Places in the Limits of this Act, shall be made or placed so as to convey such Water from such Roofs and Eaves close to the Face or Side of such Houses or Buildings down to the Ground, and under the Pavement, into the Sewer or Drain, under the Penalty of Twenty Shillings for every Day the same shall be neglected or omitted to be placed, or shall remain placed contrary to the Directions of this Act, after Notice in Writing for the Purpose, from any Five or more of the said Commissioners, shall have been left Seven Days at such House or Building for the Occu-
pier

Regulating
Pipes from
Roofs of
Houses;

pier thereof, such Penalty to be paid by and to be recovered of the said Occupier.

also Cellar
Doors, Flaps,
&c.

LXV. And be it further enacted, That where any Opening is now or may hereafter be made in the Paving or Flagging of any of the said Streets, Lanes, Entries, or other public Passages or Places, as an Entrance into or for the Purpose of carrying Coals or other Articles into any Vault or Cellar, whether such Vault or Cellar be inhabited or uninhabited, or for the Purpose of admitting Light into any Room or Cellar, or for any other Purpose, the Door, Lid or Lids, Flap or Flaps, Covering or Gratings to such Opening shall be made (at the Expence of the Occupier of the Cellar, Kitchen, Building, or other Premises to which such Opening shall communicate,) of Iron, or such other Materials, and of such Dimensions, and in such Manner and Form as the said Commissioners shall approve; and every such Door, Lid, Flap, Grating, or Covering shall from Time to Time be repaired, varied, and altered, at the like Expence of the Person or Persons for whose Use and Benefit the same shall be possessed and enjoyed, and in such Manner and Form as the said Commissioners shall direct or appoint; and in case any Person shall cause any such Grating or Covering to be made, repaired, varied, or altered contrary to, or shall neglect or refuse to make, repair, vary, or alter any such Grating or Covering, consistently with such Direction or Appointment as aforesaid, or shall cause or permit any such Cellar Door, Cellar Lid, Flap, or Cover, within the said Town, so to be left open at any Time between Sun-setting and Sun-rising, on any Pretence whatsoever, without the same being well and sufficiently lighted and guarded so as to prevent Accidents from happening, or shall permit or suffer any Iron, Wood, or other Plate, Lid, or Covering over any Vault, or otherwise belonging to any of the Houses and Premises within the Limits of this Act, to remain loose and unfastened, or shall leave the Opening to any such Vault or under-ground Place without any Plate, Lid, or other sufficient Covering, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, and also any further Sum not exceeding Five Shillings for every Day the said Offence shall be continued.

For prevent-
ing Nuisances
on the Foot-
way and in
the Street.

LXVI. And be it further enacted, That if any Person shall, upon any of the Footways or Foot Pavements in any of the Streets, Lanes, Entries, and other public Passages and Places within the Limits of this Act, run, draw, drive, or carry any Wheelsledge, Wheelbarrow, Handbarrow, Bier, or Carriage whatsoever, or roll any Cask or Tub (other than for the necessary loading and unloading thereof), upon, from, or out of any Carriage Road or Footway, farther than the Extent of the Premises in the Occupation of the Person from or to whose House or Building such Cask or Tub shall be rolled; or wilfully drive thereon any Cart or Carriage whatsoever; or ride, lead, or drive thereon any Horse or other Beast, or any Cattle whatsoever; or set up, affix, or use any Stall, Standing Block, or working Place thereon, or so near thereto as to obstruct the passing thereon; or put or place any Cask, Tub, Pail, Bucket, Stool, Bench, Stall, or any other Matter or Thing, and suffer it to remain so as in any Manner to cause any Obstruction or Impediment thereon; or if any
Person

Person shall, in any Street, Lane, Entry, or other public Passage or Place within the said Town, hoop, fire, cleanse, wash, or scald any Cask or Tub; or hew, saw, or cut any Stone, Wood, or Timber; or cut or work any Iron or other Metal; or bore any Timber; or make or repair any Coach, Chaise, Waggon, Sledge, Barrow, or other Carriage (except such as may want immediate Repair from any sudden Accident on the Spot, or which cannot be conveniently removed for that Purpose, such unavoidable Repair to be done and completed with all convenient Speed); or hang out or cause to be hung out any Linen or Cloth, or any Article of Wearing Apparel, or other Article, for the Purpose of Sale or of airing the same, upon or from any Door or Window; or fix or tie up any Line, Rope, or Cord for any such Purpose; 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 an Obstruction or Impediment; or shoe, bleed, farry, or kill any Horse or other Beast or Cattle (except in case of Accident); or show or expose any Stallion; or turn loose any Horse, Cattle, Mule, Ass, or Swine; or make or assist in making of any Bonfire; or wantonly let off or discharge any Gun, Pistol, Blunderbuss, or other Fire-arms; or wantonly let off any Serpent or Rocket, or throw any Cracker, Squib, or other Fireworks; or play at Football or any other Game or Games to the Annoyance of any Inhabitant or Passenger; or wilfully break, or aid, abet, or assist in wilfully breaking or injuring any Glass Pane or Window, Panes or Windows, or any Bell, Bell Handle, or Bell Pull, or the Wires or Cranks connected with the same, or any Knocker, or any Lock or Handle to the same, belonging to any Dwelling House or other Building; or kill or slaughter, or scald, singe, dress, or cut up, any Pig or other Animal, either wholly or in part; or cause or permit any Blood to run from any Slaughterhouse, Butcher's Shop, or Shambles, into the same or any of them; or stop up or impede the Passage of any common Sewer, Ditch, or Watercourse; or empty, convey, or discharge any Filth or Rubbish into any common Sewer or public Drain; or permit or suffer his or her Mastiff, Bulldog, or any other dangerous Animal to go at large without being safely and sufficiently muzzled; or permit or suffer any Dog whatsoever to go at large therein after public Notice given by the Town Crier or Bellman, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of the Existence of canine Madness; or being the Driver of any Cart, Waggon, or other Carriage, shall ride on the Shafts, or in or upon any Part of such Waggon, Cart, or other Carriage, without Reins, or on any of the Horses or Cattle drawing the same; or if riding any Horse or Beast, or driving any Sort of Carriage, shall ride or drive the same furiously, so as to endanger the Life or Limb of any Passenger; or being the Driver of 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 Road, or in any Manner wilfully prevent any other Driver or Carriage from passing him or her, or any Carriage under his or her Care, or in any Manner or by any Means whatever wilfully or through Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage, or of any of His Majesty's Subjects; or suffer any Stage Coach, Diligence, Post Chaise, or other

[*Local.*]

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Carriage

Carriage under his Care, let to Hire, to remain longer than may be necessary for the taking up or setting down of any Passenger, or for the loading or unloading their Baggage; or if any Person shall fix up or place, or suffer to remain, any Flower Pot at any Window of any House or Building therein, without sufficiently guarding or fastening such Flower Pot so as to prevent the same from being blown or thrown down; or shall commit or permit any other Kind of Obstruction or Annoyance in or upon any Street, Lane, Entry, or Footway, or other public Passage or Place within the Limits of this Act; or shall obstruct the Passage along any Footway therein by standing or loitering thereon, or in any Manner wilfully obstruct the Passage thereon; or if the Occupier of any House or other Building within the said Limits shall permit or suffer any Chimney or Chimnies, Flue or Flues, belonging to his or her Dwelling House and Premises to be on Fire, or shall through Negligence, or for the Purpose of cleansing any such Chimney or Flue, cause the same to be set on Fire; every Person so offending in any of the aforesaid Cases, or the Owner or Proprietor of any such Horse, Beast, Cattle, Carriage, Goods, Matter, or Thing as aforesaid, (as the Case may be, in any Instance where the Person actually offending cannot afterwards be found,) shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for any Officer appointed by virtue of this Act, or for any Constable, Watchman, or Wardsmen, to take away and remove any of the before-mentioned Obstructions, in case the Party occasioning the same shall not remove the same within a reasonable Time after being required so to do by any Person or Persons whomsoever.

For impounding Cattle suffered to stray.

LXVII. 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, or other public Places within the Limits of this Act, the Owner or Owners thereof shall for every such Beast or Head of Cattle forfeit and pay the Sum of Five Shillings; and it shall be lawful for any Officer or Officers appointed by the said Commissioners to impound any such Beast or Cattle, found straying as aforesaid, in any common Pound within the said Limits, or in such other Pound as the said Commissioners may provide, and which they are hereby authorized and empowered to provide and maintain within the said Limits for common Use by the Inhabitants thereof, and to detain the same in such Pound until the said Penalty and the Expences of impounding and feeding and keeping the same in Pound shall be fully paid and satisfied; and if in any such Case the said Penalty and Expences shall not be paid within Three Days after such Beast or Cattle shall have been so impounded, it shall be lawful for any Person or Persons who shall be appointed by the said Commissioners for that Purpose to sell or cause the same to be sold; and the Costs and Charges of impounding and keeping such Beast or Cattle in Pound, and of selling the same, and the said Penalty, shall be defrayed by such Sale; and the Overplus, if any, of the Monies arising by such Sale shall be paid to the Owner or Owners of the said Beast or Cattle, upon Demand: Provided always, that whether such Beast or Cattle so found straying shall be impounded as aforesaid, or otherwise, the Owner or Owners thereof shall nevertheless

theless forfeit and pay for every such Beast or Head of Cattle so found straying as aforesaid the like Sum of Five Shillings.

LXVIII. And be it further enacted, That in case any Person shall release, or attempt to release, any Horse, Ass, Mule, Swine, or other Beast 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, Mule, Swine, or other Beast 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, be committed to the Common Gaol or to the House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Punishing
Persons
guilty of
Pound
Breach.

LXIX. And be it further enacted, That no Person shall empty or begin to empty any Privy, or take and carry away any Night Soil, nor bring or place any Carts for removing the same from any House, Building, or Place now or hereafter to be erected, built, or made within the Limits of this Act, before the Hour of Ten in the Night, nor shall continue to take away the same after the Hour of Six in the Morning between *Michaelmas* and *Lady Day*, and after the Hour of Four in the Morning between *Lady Day* and *Michaelmas*; and that no Person shall unload or cast or spill, or cause or suffer to be unloaded, cast, or spilt, any such Night Soil out of any Cart, Tub, or otherwise in the said Limits; and if any Person shall offend herein, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, one Moiety whereof shall go to the Informer, and the other Moiety shall be paid to the Treasurer of the said Commissioners, to be applied to the general Purposes of this Act.

Regulations
as to Night
Soil.

LXX. And be it further enacted, That if any Person at any Time hereafter shall drive or cause to be driven any Cart or other Carriage with any Soap Lees, Night Soil, Ammoniacal Liquor, Slop, Filth, or Channel Mire or Dirt therein, through, in, or over any of the Streets, Lanes, Entries, or other Passages or Places within the Limits of this Act, without such Cart or other Carriage having a proper Covering or Boards called Flush Boards, so as to prevent the same from slopping or spilling in any of the said Streets, Lanes, Entries, or other Passages or Places, or shall at any Time or Times hereafter fill or cause to be filled any Cart or other Carriage with any Soap Lees, Night Soil, or Ammoniacal Liquor, in any of the said Streets, Lanes, Entries, or other Passages or Places, between the Hours of Six of the Clock in the Morning and Eight of the Clock in the Evening of any Day, or shall drive or cause to be driven any Cart or Carriage so filled as last-mentioned through, in, or over any of the said Streets, Lanes, Entries, or other Passages or Places, between the Hours aforesaid, or shall fill any such covered Cart or other Carriage so as to run over

Slops to be
carried only
in covered
Carts.

or

or cast any Soap Lees, Night Soil, Ammoniacal Liquor, Slop, Mire, or Channel Dirt or Filth in or upon any of the said Streets, Lanes, Entries, or other Passages or Places, it shall and may be lawful for any Person whomsoever to seize and apprehend, and to assist in seizing and apprehending, the Offender or Offenders, and by the Authority of this Act, and without any other Warrant or Authority, to convey him or her before some Justice of the Peace, and which Justice is hereby authorized and required to hear Evidence and determine on such Offence; and every Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds: Provided always, that in case the Person or Persons so offending cannot be apprehended, then the Owner or Owners of such Cart or Carriage in which such Soap Lees, Night Soil, Ammoniacal Liquor, Slop, Filth, Mire, or Channel Dirt shall be put or placed, and also the Employer or Employers of the Person or Persons so offending, shall be liable to and shall forfeit and pay such Penalty as aforesaid.

No Person to be subject to Penalty for laying Building Materials on the Streets, if secured by a Hoard, &c.

LXXI. Provided also, and be it further enacted, That no Person shall be subject to any Penalty inflicted by this Act for or on account of any Building Materials, Rubbish, or Dirt being in or upon any of the said Streets, Lanes, Entries, or other public Passages and Places, before or near the House or Building of such Person, occasioned by the building or pulling down, rebuilding or repairing, such House or Building, so as there be convenient Room left for Carriages to pass, and a sufficient Way kept clean for Foot Passengers, and so as the Owner or Occupier of such House or Building do cause such Materials, Rubbish, and Dirt to be removed out of the said Streets, Lanes, Entries, or other public Passages and Places, within a reasonable Time after such building, pulling down, or repairing shall be finished, or upon Notice given to him or her, signed by any Three or more of the said Commissioners, or by the Clerk or Surveyor to the said Commissioners, and so that during the Time the same shall be lying in such Street, Lane, Entry, or other public Passage or Place, such Owner or Occupier shall guard and fence off the same, either by erecting or building a Hoard or a temporary Railing or other Inclosure, and also set up and maintain a sufficient Light or Lights during the whole of the Night-time, to the Satisfaction of the said Commissioners, to prevent Accidents and Mischief happening therefrom: Provided also, that in case any Person so placing such Materials, Rubbish, or Dirt in any of the said Streets, Lanes, Entries, or other public Passages or Places, shall not, during the whole of the Night, effectually guard and fence off the same, and also set up and maintain a sufficient Number of Lights, so as to prevent Accidents or Mischief happening therefrom, every Person making Default in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Hoards not to be erected without Licence.

LXXII. Provided always, and be it further enacted, That nothing herein contained shall extend to authorize or empower any Person to erect or build any Hoard or any other Inclosure in any of the said Streets, Lanes, or other public Places, unless such Person shall previously have and obtain a Licence for that Purpose, under the Hand of the Clerk, Surveyor, or Inspector to the said Commissioners, which
Licence

Licence such Clerk, Surveyor, or Inspector is hereby required forthwith to grant to any Person applying for the same, and for which he shall receive the Sum of Sixpence, and no more; and such Licence shall specify the Length and Breadth of every such Hoard, and the Time it is to continue for such Purposes aforesaid; and if any Person shall erect any Hoard or Inclosure of greater Dimensions than shall be specified in such Licence, or shall suffer such Hoard or Inclosure to remain for any longer Time than shall be allowed by such Licence, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings for every Day that such Hoard or Inclosure, or any Part thereof, shall be continued after Notice shall have been given by the Clerk, Surveyor, or Inspector, to take down and remove the same: Provided always nevertheless, that in case such Licence shall at any Time be renewed, no Fee or Reward shall be received or taken for such Renewal.

LXXIII. And be it further enacted, That it shall be lawful for the said Commissioners to contract and agree with the Owners and Occupiers of and all other Persons interested in any Lands, Buildings, Tenements, or Hereditaments within the Limits of this Act, for the Payment or Allowance to such Owners and Occupiers, or other Persons so interested, of any Costs, Charges, Loss, Damage, or Expence which any of such Persons may sustain, expend, or be put unto by the widening and improving or draining, or by any Alteration or Change of the Line, Front, or Direction in or upon which any Houses, Walls, or Buildings within the said Limits now stand, or by the Removal of any Projections belonging or appertaining to the same, or making any Changes or Alterations thereof or therein.

Commissioners may allow for Monies expended by Owners, &c. in widening, improving, and draining the Town.

LXXIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to direct any Prosecution or Prosecutions at the Assizes or Quarter Sessions for the said County for any public Nuisance whatsoever which shall be committed or suffered within the Limits of this Act, and for or concerning any Resistance to the Execution of the Authorities of this Act, or to the Authority of any Person acting under the same, and to direct and order the Expences of such Prosecution to be paid and borne by and out of the Funds to be raised and provided as herein mentioned.

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

LXXV. And be it further enacted, That for the more effectual Discovery and Punishment of Offenders, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, if they shall see Cause, by Advertisement in any public Newspaper or Newspapers, or Handbills, or by such other Ways or Means as they shall think fit, to offer such Sum or Sums of Money, not exceeding the Sum of Twenty Pounds, as they shall think proper, as a Reward or Encouragement to any Person or Persons for the discovering, apprehending, prosecuting, or convicting any Offender or Offenders of any Offence by him, her, or them committed within the Limits of this Act, and also to order any Sum or Sums of Money, not exceeding the Sum of Twenty Pounds in any one Case, to be paid to any Person or Persons whomsoever as a Compensation or Reward for the Discovery, Apprehension, Prosecution,

Commissioners may offer Rewards for the Apprehension of Offenders.

cution, or Conviction of any Offender or Offenders whomsoever, although no previous Offer of Reward shall have been made, and to pay such Sums respectively out of the Funds to be raised and provided for the Purposes of this Act.

Rights of
Common on
Ross Marsh
to cease, and
Lands to vest
in the Com-
missioners.

LXXVI. And be it further enacted, That from and after the passing of this Act all Commonable Rights, and all other Rights whatsoever, upon and over the aforesaid Open Common or Waste called *Ross Marsh*, shall cease, determine, and be for ever extinguished; and the said Open Common or Waste shall, from and after the passing of this Act, be and the same is hereby vested in the Commissioners for executing this Act, in Trust for the Intents and Purposes herein-after mentioned; and the said Commissioners shall and they are hereby required to set out and fence such Parts of such Open Common or Waste called *Ross Marsh*, as adjoin to the Turnpike Roads leading from the Town of *Ross* to *Gloucester*, and also to divert and turn the present Roads, and to reserve, set out, and fence upon and over the said Common or Waste proper and convenient Roads, Paths, and Ways to the Lands and Premises of the Owners and Occupiers of any Lands or Premises adjoining thereto; and such Owners and Occupiers shall at all Times have free Egress and Regress along such Roads, Paths, and Ways, in such Manner in every respect as they or any of them now enjoy to their respective Lands and Premises, but not further or otherwise.

Waste Lands
to be sold,
&c.

LXXVII. And be it further enacted, That it shall be lawful for the said Commissioners to sell and dispose of the said Common or Waste called *Ross Marsh*, so vested in them, in such Lot or Lots as the said Commissioners shall think fit, by public Auction or private Contract, to any Person or Persons whomsoever, for the best Price or Prices which can be obtained for the same; and all Lands and Hereditaments to be sold by virtue of this Act shall, on Payment of the full Purchase Money for the same into the Hands of the said Commissioners, or of their Treasurer for the Time being, or of any other Person to be by them appointed to receive the same, be conveyed as Freehold of Inheritance in Fee Simple unto or in Trust for the Purchaser or Purchasers thereof respectively; and a Conveyance or Conveyances for the same, by Lease and Release or Feoffment, shall be made and executed by the said Commissioners, or any Five of them, and shall be valid and effectual in the Law to vest the same in such Purchaser or Purchasers, and his, her, or their respective Heirs, Appointees, and Assigns, absolutely for ever; and such Purchaser or Purchasers shall not be liable to see to the Application of the respective Purchase Monies, or be liable or accountable for the Misapplication or Nonapplication of the same; and the Purchase Monies shall be applied by the said Commissioners for the Purposes of this Act as herein mentioned.

Rights of
Common on
Broadmea-
dow, &c. to
cease.

LXXVIII. And be it further enacted, That from and after the passing of this Act all Persons whomsoever entitled to any Rights of Common or other Commonable or Public Rights whatsoever upon or over the aforesaid Commonable Meadows and Arable Fields called *Broadmeadow*, *The Ricks*, *Maud's Meadow*, *Cawdor*, *Berryfield*, and *Poolfields*,

Poolfields, shall be divested of such Rights, and all such Commonable Rights and other public Rights heretofore by them exercised or enjoyed shall cease, determine, and be for ever extinguished; and the said Commonable Rights over the said Common Meadows and Fields shall, from and after the passing of this Act, be and the same are and is hereby vested in the Commissioners for executing this Act, in Trust for the Intents and Purposes herein-after mentioned.

LXXIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered to sell and dispose of such Commonable Rights, herein-before vested in them, of depasturing and Rights of Common in and over the said several Meadows and Common Field Lands, to any Person or Persons whomsoever, by public Auction or private Contract, in such Lot or Lots as the said Commissioners shall think fit, and the same shall be conveyed unto or in Trust for the Purchaser or Purchasers thereof respectively; and a Conveyance by Lease and Release, Feoffment, or other Assurance, shall be made, upon Payment of the full Purchase Money for the same into the Hands of the said Commissioners, or of their Treasurer for the Time being, or of any other Person or Persons to be by the said Commissioners appointed for receiving such Purchase Money (whose Receipt or Receipts shall be a sufficient Discharge or Discharges for the Payment thereof), executed by the said Commissioners or any Five of them, and shall be valid and effectual in the Law to vest the same in such Purchaser or Purchasers, and his, her, or their respective Heirs or Assigns; and such Purchaser or Purchasers, his, her, or their Heirs or Assigns, shall thenceforth for ever thereafter have, use, exercise, and enjoy the sole and exclusive Right of depasturing or of Common of Pasture for their Commonable Cattle in, through, and over the said Meadows and Common Field Lands, from the said Fourth Day of *July* to the Eleventh Day of *February*, or such other Time or Times as aforesaid, in respect to the said Common Fields called *Cawdor*, *Berryfields*, and *Poolfields*, in each and every Year; and such Purchaser or Purchasers shall not be liable to see to the Application of their respective Purchase Monies, or be liable or accountable for the Misapplication or Nonapplication of the same.

LXXX. Provided also, and be it further enacted, That the said Commissioners, after the Receipt of the respective Purchase Monies, shall, after applying the same, or so much thereof as is necessary, in defraying the Costs, Charges, and Expences attending and incident to the obtaining and passing of this Act, and also after applying the same, or so much thereof as is necessary, in the Purchase of any Messuages, Lands, Tenements, or other Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, and in the laying down and repairing the Flagging, Pitching, Pavement, and Curbstones of the Footpaths, Streets, Lanes, Highways, public Passages and Places within the Limits of this Act, and in the cleansing, draining, lighting, regulating, and improving the same, and other the Costs, Charges, and Expences attending and incident to the carrying of this Act into execution, and which the said Commissioners are hereby directed and required to do, place the Overplus of such Purchase

Common
Rights to be
sold.

Overplus
Money to be
invested in
the Public
Funds.

Purchase Monies out at Interest upon Real Security, or otherwise invest the same in some of the Public Stocks or Funds of that Part of the United Kingdom called *England*, as the said Commissioners shall think proper, in the Names of at least Five of the said Commissioners for the Time being, in Trust to pay the Interest, Dividends, and Proceeds thereof to the said Commissioners, or to permit and suffer them to receive the same, to be applied by them from Time to Time and at all Times after such Investment in aid of the Rates and Assessments to be made and levied by virtue of this Act.

Rates.

LXXXI. And for raising Money for carrying into execution the several Purposes of this Act, be it further enacted, That for the Purpose of laying down and repairing the Flagging, Pitching, and Curbstones of the said Footpaths and Gutters, and for the repairing, amending, cleansing, draining, lighting, and watching the said Streets, Lanes, Highways, Roads, Passages, and Places within the Limits of this Act, and otherwise improving the same, or for any or either of the said Purposes, the said Commissioners shall and they are hereby authorized, empowered, and required, when and so often as they shall think necessary, to make One or more Rate or Rates, Assessment or Assessments, in every Year, upon the Tenants or Occupiers of all Dwelling Houses, Shops, Yards, Gardens, Lands, Workhouses, Workshops, Warehouses, Coach-houses, Stables, and other Buildings, Cellars, and Vaults, and upon the several Gardens, Yards, Pleasure Grounds, Pastures, and Orchards thereto belonging, and also upon all Tithes and other Hereditaments within the said Limits, according to the annual Value of the same respectively, such Rate or Rates, Assessment or Assessments, not to exceed in any One Year the Sum of Seven Shillings and Sixpence in the Pound; and all and every such Rate or Rates, Assessment or Assessments, to be made and levied under the Powers of this Act, shall be subject to Appeal in manner herein-after mentioned; and the Money or Monies so respectively rated or assessed on the said Proprietors, Tenants, or Occupiers, shall be paid by them respectively to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners to collect the same.

Recovery
of Rates.

LXXXII. And be it further enacted, That if any Tenant or Occupier of any such Premises shall neglect or refuse to pay his or her Proportion or Proportions of the said Rate or Assessment to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners to collect the same, for the Space of Three Days after the same shall have become due, and after Demand made thereof at the Dwelling House or usual Place of Abode of such Tenant or Occupier, the same shall be levied and recovered on and from such Tenant or Tenants, or Occupier or Occupiers, so neglecting or refusing, by Distress and Sale of his or her Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace, such Defaulter having been first duly summoned by such Justice or Justices of the Peace to appear before him or them, at a Time and Place to be mentioned in such Summons, to show Cause for such Neglect or Refusal; and the Overplus, if any, of
the

the Monies to be raised by such Distress and Sale shall be returned, on Demand, to the Owner or Owners of the Goods and Chattels so distrained and sold, together with so much thereof as shall remain unsold, after deducting all Costs, Charges, and Expences, to be ascertained and directed by the said Justice or Justices; and in default of such Distress it shall be lawful for any such Justice or Justices to commit such Person or Persons to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless Payment shall be sooner made of such Sum or Sums of Money as shall have been found to be due and in arrear upon all or any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences, to be ascertained and determined by the said Justice or Justices.

LXXXIII. Provided always, and be it further enacted, That no Person shall be rated to or pay the Rates or Assessments which shall be made by virtue or in pursuance of this Act, who shall by reason of his or her Poverty only be excused from paying any Rate made for the Relief of the Poor. Exemption from Rates.

LXXXIV. And be it further enacted, That no Almshouse, Hospital, Workhouse, or Building appropriated to the gratuitous Education of the Poor within the Limits of this Act, and not yielding any pecuniary Profit or Advantage, shall be liable to be charged with any of the Rates or Assessments to be made by virtue of this Act. Exempting certain Buildings from being rated.

LXXXV. And be it further enacted, That in case any Person who shall be rated or assessed by virtue of this Act shall quit his or her House or Houses, Shop or Shops, Warehouse or Warehouses, Coach-house or Coach-houses, Gig-house or Gig-houses, Stable or Stables, Cellar or Cellars, or other Building, Garden, Land, Tenement, or Hereditament, whereon any Rate or Assessment shall be made by virtue of this Act, before he or she shall have paid such Rate, and shall afterwards refuse or neglect for the Space of One Calendar Month to pay the same when demanded by Parol of such Person authorized by the said Commissioners, then and in every such Case it shall and may be lawful for any One or more of His Majesty's Justices of the Peace, and he and they is and are hereby required, (such Defaulter having been first duly summoned by such Justice or Justices to appear before him or them, at a Time or Place to be mentioned in such Summons, to show Cause for such Refusal or Neglect,) to grant a Warrant or Warrants of Distress under his or their Hand and Seal or Hands and Seals, (an Oath or Affirmation having been made before him or them by the said Collector or Person as aforesaid of such Person having been so rated, and of his or their having quitted the Premises as aforesaid, and of the said Rate or Assessment having been demanded of or from or at the then Place of Abode of such Person, and which Oath or Affirmation such Justice or Justices is and are hereby authorized and empowered to administer,) authorizing and directing the Constable or Constables of the Parish, Township, or Place, or other Person or Persons to be specially directed by such Warrant, to distrain the Goods and Chattels of the Person so refusing

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or

or neglecting to pay, and to sell the same, rendering the Overplus (if any), after having retained the Rate or Assessment, and all Arrears thereof, and all the Costs and Charges of such Warrant, Distress, and Sale, to the Owner or Owners of such Goods and Chattels respectively; and in default of such Distress it shall and may be lawful for such Justice or Justices to cause such Defaulter to be apprehended and brought before him, and to commit such Defaulter to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless Payment shall be sooner made of such Sums of Money as shall have been found to be due and in arrear upon any such Assessment or Assessments as aforesaid, together with all Costs and Expences attending the Recovery thereof, such Costs, Charges, and Expences to be ascertained and directed by such Justice or Justices.

Persons removing to pay in proportion.

LXXXVI. And be it further enacted, That in all Cases where any Person shall remove from or quit the Possession of any House, Building, Land, Ground, or other Tenement or Hereditament, the Tenant or Occupier whereof shall be rated or assessed, or be liable to be rated or assessed, by virtue of this Act, such Person so removing from or quitting the same shall be liable to pay such Rate or Assessment in proportion to the Time that such Person occupied the same respectively, and in like Manner as if such Person had not removed from or quitted the Possession of the same; and in all Cases where any Person shall come into or occupy any House, Building, Ground, or other Tenement or Hereditament rated or assessed, or liable to be rated or assessed, as aforesaid, out of or from which any other Person shall have removed, or which at the Time of making any such Rate or Assessment was empty and unoccupied, the Person or Persons coming into or occupying the same shall pay such Rate or Assessment, or a due Proportion thereof, (although his, her, or their Name or Names may not be inserted in such Rate or Assessment,) in proportion to the Time that such Person or Persons shall occupy the same respectively, and in like Manner as if such Person or Persons had been originally rated or assessed by Name in such Rate or Rates, Assessment or Assessments; which said Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners.

Houses let ready-furnished, or in separate Apartments.

LXXXVII. And be it further enacted, That the Lessee, Landlord, or Owner of all Houses, Buildings, or Tenements within the Limits of this Act, which is or shall or may be let out ready-furnished, or in separate Apartments, Rooms, or Floors, shall be deemed and taken to be the Tenant or Occupier thereof for the Purposes of this Act, and shall be liable and subject to the Rates or Assessments directed by this Act to be made, raised, and levied, according to the yearly Value of the Premises; and every such Lessee, Landlord, or Owner, and all and every Person or Persons renting or occupying any such ready-furnished House, or separate Apartments, Rooms, or Floors as aforesaid, shall be liable and compellable to pay the said Rates and Assessments, to be recovered in manner herein directed; and every such Tenant or Occupier who shall pay any such Rates or Assessments, or from whom the same shall be recovered, in pursuance of this Act, shall and may deduct the same from and out of the next

Rent

Rent due and payable from him, her, or them to such respective Lessee, Landlord, or Owner, and the Receipt for such Payment shall be a sufficient Discharge for such Tenant or Occupier to his or her Landlord, for so much Money as he or she shall pay, or as shall be levied on him or her by virtue of this Act; but no such Tenant or Occupier shall at any Time be required to pay, or be subject or liable to pay, any greater Sum for or towards the Discharge of the said Rates or Assessments, or any of them, and Arrears thereof, than the Amount of the Rent actually due and payable by such Tenant or Occupier to the Lessee, Landlord, or Owner of the Premises so let out ready-furnished, or in separate Apartments, Rooms, or Floors, to him or her: Provided always, that nothing herein contained shall extend to prejudice or vacate any Agreement between Landlords and Tenants within the Limits of this Act.

LXXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to amend any Rate or Assessment to be made by virtue of this Act, by inserting therein the Name or Names of any Person or Persons who ought to have been rated, or by striking out the Name or Names of any Person or Persons who ought not to have been rated therein, or by raising, reducing, mitigating, or striking out the Sum or Sums at which any Person or Persons shall have been rated therein, who shall appear to them to have been under or over rated or improperly rated, or by making such other Amendments therein as will in the Judgment of the said Commissioners make such Rate or Assessment conformable to the true Intent and Meaning of this Act; and that no such Amendment so to be made by the said Commissioners in any such Rate or Assessment shall be held to vitiate the same.

Commissioners may amend Rates.

LXXXIX. And be it further enacted, That if any Person shall be summoned as a Witness before any Justice of the Peace touching any Matter contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecutor or Prosecutors, or on behalf of the Person or Persons accused, and shall refuse or neglect to appear from Time to Time at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum for his or her Costs and Expences, without a reasonable Excuse for his or her Refusal or Neglect of appearing, or shall refuse to be examined upon Oath, or, in the Case of a Quaker, upon solemn Affirmation, (which Oath or Affirmation such Justice is hereby authorized and required to administer,) and to give Evidence before such Justice of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on Witnesses for Default.

XC. And be it further enacted, That if any Person shall obstruct, hinder, or molest any Collector, Surveyor, Watchman, Officer, or other Person whomsoever, who are or shall be employed to put this Act into execution, in the Performance or Discharge of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obstructing the Execution of this Act.

XCI. Pro-

Compensation ordered to be paid by Commissioners may be levied by Distress of Goods.

XCI. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid by the said Commissioners, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioners, or any Person or Persons acting by or under their Authority or Direction, such Sum or Sums of Money, together with the reasonable Costs and Charges of hearing and determining the Matter, shall forthwith be paid by the Treasurer to the said Commissioners, out of any Monies then in the Hands of such Treasurer, to the Party or Parties entitled to receive the same; and if the same shall not be so paid within Five Days after Demand thereof in Writing shall have been made and delivered to the Clerk or Clerks, Treasurer or Treasurers, to the said Commissioners for the Time being, then and in such Case the Amount of such Compensation or Satisfaction and Costs as aforesaid shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Commissioners vested in them by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, together with the Costs also of such Distress and Sale, under a Warrant to be issued for that Purpose by any Justice or Justices of the Peace; which Warrant any such Justice or Justices is and are hereby authorized and required to grant upon Application made to him or them for that Purpose by the Party or Parties entitled to receive such Compensation or Satisfaction for any such Costs, Damages, Spoil, or Injury as aforesaid.

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

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

Justices may proceed by Summons in the Recovery of Penalties.

XCIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and 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 before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons, without Information, shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was or had been exhibited.

XCIV. And

XCIV. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, the Manner of levying and recovering and the Appropriation whereof is not hereby particularly directed, may, in case of Nonpayment thereof, be recovered in a summary Way, by the Order and Adjudication of some Justice or Justices of the Peace, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witnesses, upon Oath or Affirmation, of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties not herein directed to be otherwise applied shall be paid to the Overseers of the Parish or Place within which such Offence shall be committed; and it shall and may be lawful for such 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 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 Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any Justice or Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law: Provided always, that in all Cases where the Penalty imposed by this Act shall exceed the Sum of Five Pounds, no Proceedings shall be had and taken for the Recovery thereof as aforesaid before a less Number than Two such Justices.

Recovery
and Applica-
tion of
Penalties.

[*Local.*]

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XCIV. And

For securing
transient
Offenders.

XCV. And whereas Offences may be committed against this Act by Persons unknown to the Commissioners, Collectors, Surveyors, Watchmen, or other Officers appointed to put the same into execution; be it further enacted, That it shall be lawful for any of the said Commissioners, or for their Clerk, Collectors, Surveyor, Watchmen, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, or for any other Person or Persons whomsoever, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person as shall commit any such Offence or Offences, and take him, her, or them before any Justice or Justices of the Peace; and such Justice or Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

XCVI. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall cause the Conviction to be drawn up according to the Form following; (that is to say,)

Form of
Conviction.

‘ Herefordshire, } **B**E it remembered, That on the _____ Day
‘ to wit. } of _____ in the Year of our Lord _____
‘ is convicted before me _____ [or us _____ as the
‘ *Case may be,*] of His Majesty’s Justices of the Peace for
‘ the County of *Hereford*, of having [*here specify the Offence or*
‘ *Omission, and the Time and Place when and where committed or made,*
‘ *as the Case may be*]; and I [or we, as the Case may be,] do adjudge
‘ that the said _____ hath forfeited for his [or her] said
‘ Offence 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.’

Conviction
not to be
quashed or
removed by
Writ of
Certiorari.

XCVII. And be it further enacted, That no Order, Judgment, or other Proceeding made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender against this Act, shall be quashed or vacated for Want of Form only, or be removed by Writ of Certiorari, or any other Writ or Process whatsoever, into any of His Majesty’s Courts of Record at *Westminster*, any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

Distress not
unlawful for
Want of
Form.

XCVIII. Provided always, 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 the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties so distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of any Irregularity that shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularities may recover Satisfaction for the special Damage in an Action on the Case.

XCIX. And

XCIX. And be it further enacted, That any Body Politic, Corporate, or Collegiate, or any Person whomsoever, thinking themselves, himself, or herself aggrieved by any Rate or Assessment, or by any Order or Judgment of the said Commissioners, or by the Order or Determination of any Justice or Justices of the Peace, made by virtue of this Act, shall and may, within Four Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices assembled at any General or Quarter Sessions of the Peace to be holden for the County of *Hereford*, first giving at least Fourteen clear Days Notice in Writing of such Appeal, and of the Nature and Matter thereof, in Writing, to the Party or Parties appealed against, except where such Appeal be made against any such Rate or Assessment as aforesaid, or against any other Act, Matter, or Thing made or done by the said Commissioners or by any Justice of the Peace, and then to the Clerk to the said Commissioners, and within Six Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County of *Hereford*, with sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon, and to pay such Costs as shall be awarded; and the said Justices, upon due Proof, on Oath or Affirmation, of such Notice and Recognizance having been given and entered into as aforesaid, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace, and shall also award such Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices at such Sessions shall be final and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Appeal to
Quarter Ses-
sions.

C. And be it further enacted, That upon all Appeals from the said Rates or Assessments, or any of them, 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 in 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.

On Appeal
from any Rate
Sessions may
amend it
without
quashing it.

CI. And be it further enacted, That no Person shall, in any Action, Prosecution, or other Proceeding whatsoever relating to or concerning the Execution of this Act, be deemed an incompetent Witness on account of his or her being charged with or liable to pay any Rate or Assessment to be raised, levied, or collected by virtue of this Act.

Inhabitants
not incompe-
tent Wit-
nesses.

CII. And

Plaintiff not
to recover
after Tender
of Amends.

CII. And be it further enacted, That no Plaintiff 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, Ten Days before such Action shall be commenced, of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender be made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think proper, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as is or shall be practised in other Actions in the Courts of Law, in which Actions the Defendant is allowed to pay Money into Court.

Limitation
of Actions.

CIII. And be it further enacted, That no Action at Law shall be brought against any Person or Persons for any thing done in pursuance of this Act, after Three Calendar Months from the Time of the Fact being committed; and every such Action shall be brought and tried in the County or Place within which the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action shall or may, at his, her, or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been so done, or if such Action shall have been brought before the Expiration of Ten Days next after such Notice shall have been given as aforesaid, or after sufficient Amends or Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in any of the said Cases the Jury shall find a Verdict for the Defendant or Defendants upon such Action; or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared, or if upon any Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover his, her, or their Costs, and have such Remedy for recovering the same as any other Defendant hath in other Cases by Law.

Directing
what shall be
deemed a
Service of
Notice.

CIV. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons to serve any Notice or Notices upon the said Commissioners, or any Writ or Writs, or other legal Proceedings, or Proceedings in Equity, the Service thereof upon any One of the said Commissioners, or left at his usual Place of Abode, or upon the Clerk to the said Commissioners, or left at the Office of such Clerk, or at his last or usual Place of Abode, or upon any Collector or Surveyor of the said Commissioners, or left at his last or usual Place of Abode, shall be deemed a sufficient Service of the same respectively on the said Commissioners.

CV. Pro-

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

Nothing herein to prevent Commissioners, &c. from being indicted for a Nuisance.

CVI. Provided always, and be it further enacted, That no Person who shall be fined or imprisoned for any Offence under the Provisions of this Act shall be liable to any Process, Fine, or Punishment in the Court Leet, for the same Offence.

Same Offence not punishable twice.

CVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, or defeat any Right, Interest, or Property of *Kingsmill Evans Esquire*, his Heirs or Assigns, of, in, or to Toll thorough, or of or to the Tollage, Piccage, and Stallage, Profits of Markets and Fairs, or of or in any Power, Privilege, Franchise, or Authority now exercised and enjoyed by him, or which he heretofore might have exercised and enjoyed; but that all and every such Powers, Privileges, Franchises, and Authorities shall and may, save and except such as are by this Act expressly taken away and extinguished, be exercised and enjoyed in as full and ample a Manner to all Intents and Purposes as the same were exercised and enjoyed immediately before the passing of this Act, or as they would or might have been if this Act had not been passed.

Rights of the Lord of the Manor not to be injuriously affected.

CVIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Body and Bodies Politic, Corporate, and Collegiate, and his, her, and their Heirs, Executors, Administrators, and Successors respectively, all Royalties, Liberties, Franchises, Rights, Titles, and Interests (other than and except such as are meant and intended to be by this Act barred, destroyed, and extinguished,) which he, they, every or any of them respectively could or ought to have enjoyed in, to, or in respect of the Commons or Wastes hereby directed to be sold, in case this Act had not been passed.

General Saving.

CIX. And be it further enacted, That for all and every the Purposes of this Act the Town of *Ross* shall comprise and be deemed to

[*Local.*]

9 Y

Defining the Extent of the Town of

Ross for the
Purposes of
this Act.

be co-extensive with that Part of the said Town of *Ross* called and known by the Name of the Borough of *Ross*, and shall also comprise and include the Rectory House and Gardens, the Churchyard, the Premises called the *Pounds* and the *Prospect*, and the Premises forming the remaining Parts of the *Church Lane*, *Church Street*, *Corps Cross Street*, and the Road called the *Old Maid's Walk*.

Public Act.

CX. 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.

SCHEDULE (A.) of the Lands and Commons to which the Act refers.

Description of Land.	Names of reputed Owners of the First Vesture.	Names of reputed Occupiers.	Where situate.	Quantity.			
				A.	R.	P.	
Ross Marsh Common (waste Land)	- - -	- - -	Parish of Ross	6	1	10	
Broadmeadow	John Cooke	{ John Cooke, Elizabeth Broughton, Thomas Hybert }	Ditto	33	0	37	
Ditto	Thomas Hart	Thomas Hart	Ditto	2	2	32	
Ditto	Mary Westfaling	William Bonnor	Ditto	15	1	24	
Ditto	Josiah Newman	Thomas Hall	Ditto	5	0	10	
Ditto	Harvey's Devises	Thomas Hardwick	Ditto	7	0	37	
The Ricks	William Hooper	William Hooper	Ditto	2	3	9	
Maud's Meadow	John Holder	William Hooper	Ditto	0	2	11	
Cawdor Common Field	Richard Garrold	John Drinkwater	Ditto	1	1	39	
Ditto	Hannah Terrett	{ Jane Blewett and William Blewett }	Ditto	1	2	4	
Ditto	John Cooke	James Tingle	Ditto	4	1	10	
Ditto	John Sier	John Treherne	Ditto	3	2	26	
Ditto	Richard Garrold	John Drinkwater	Ditto	0	3	19	
Ditto	{ Thomas Beavington }	John Drinkwater	Ditto	0	3	11	
Ditto	Richard Garrold	John Drinkwater	Ditto	0	3	36	
Berry Field	Thomas Pearce	James Tingle	Ditto	5	0	29	
Ditto	Hannah Terrett	{ Jane Blewett and William Blewett }	Ditto	1	1	0	
Ditto	Thomas Pearce	James Tingle	Ditto	0	2	35	
Ditto	John Aveline	Ann Welch	Ditto	0	1	19	
Pool Field	Richard Garrold	John Drinkwater	Ditto	0	2	8	
Ditto	Harvey's Devises	{ Jane Blewett and William Blewett }	Ditto	0	3	1	
Ditto	John Aveline	Thomas Hybert	Ditto	0	2	10	
Ditto	Richard Garrold	John Drinkwater	Ditto	1	0	5	
Ditto	Thomas Pearce	James Tingle	Ditto	0	3	8	
TOTAL				-	-	-	98 0 30

