



ANNO QUARTO

# GULIELMI IV. REGIS.

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## *Cap. xvi.*

An Act for better paving, cleansing, lighting, watching, watering, and otherwise improving the Streets and other public Passages and Places within the Borough of *Dorchester* in the County of *Dorset*, and the Tithing of *Colliton Row*, in the Town of *Dorchester* aforesaid. [22d May 1834.]

**W**HEREAS an Act was passed in the Sixteenth Year of the Reign of His late Majesty King George the Third, intituled *An Act for better cleansing, lighting, and watching the Streets, Lanes, and other public Passages within the Borough of Dorchester in the County of Dorset, and in the Tithing of Colliton Row in the Town of Dorchester aforesaid; for paving the Footways and repairing certain Horseways of such Parts thereof as are Turnpike, and for paving the Footways and repairing the Horseways of such Parts thereof as are not Turnpike; for removing Nuisances, Annoyances, and Obstructions therein; and for preventing Houses or Buildings hereafter to be erected in the said Borough and Tithing from being thatched: And whereas since the passing of the said recited Act the said Town of Dorchester hath greatly increased and is still increasing in Trade, Population, and Buildings, and the Powers and Provisions of the said recited Act are found insufficient for the Purposes intended, and it is expedient that further and additional Powers should be established for better paving, cleansing, lighting, watching, watering, and repairing the said Streets and other public Passages and Places,*

16 G.3. c. 27.

[Local.]

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and

Recited Act  
repealed.

and otherwise improving the said Borough and Tithing: And whereas the Powers and Provisions necessary for the Purposes aforesaid might be more conveniently executed if the same were comprised in One Act of Parliament; but the several Objects aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Sixteenth Year of the Reign of His late Majesty King George the Third shall, from and after the First Day of *June* One thousand eight hundred and thirty-four, be and the same is hereby repealed, and this Act shall thenceforth commence and take effect in lieu and instead thereof.

Commission-  
ers appointed.

II. And be it further enacted, That *George Andrews, Robert Williams Andrews, William Andrews, Christopher Arden, Joseph Ash, Charles Austen, Mark Baker, William Barnard, Thomas Bascombe, Thomas Beasant, William Bishop, Edward Boswell, Thomas Bower, Benjamin Bowring, John Bonifas the younger, John Barnes, William Bridge, Joseph Browning, Edmund Bryer Clerk, John Burnet, William Rush Hallett Churchill Clerk, Joseph Clapcott, John Clare, George Clark, John Morton Colson Clerk, Thomas Coombs, Christopher Cooper, Charles Cosens, John Albion Cox, Charles Criswick, Edward Cross, John Acres Curme, George Curme, Thomas Curtis, Thomas Joel Curtis, Charles Curtis, Richard Cutler Clerk, Robert Gerrard Davis, Robert Davis, John Davis, William Davis, Evan Davies Clerk, John Durden, John Edwards, Charles Eldridge, John Ensor, Thomas Fisher, John Fitch, James Froud, Richard Fudge, Stephen Gale, William Galpin, William Galpin the younger, Thomas Gilbert Garland, William Garland, John Gregory, George Greening, Bennett Harvey, Bennett Harvey the younger, James Harvey Hawkins, Richard Hawkins, William Hawkins, John Hayne, Joseph Handsford, Charles Burt Henning, James Henning, Walter Parry Hodges, James Hutchings, Francis Ingram, John Summers Jacob, Benjamin Jacob, Henry Jacob, Joseph Jacob, William Kerley, John James Lambert, George Lock, William Lock, Thomas Lock, Thomas Logan, William Masters, Robert Miller, Edward Mondey, William Manfield, Henry Mowlam, Robert Oakley, Francis Oliver, Thomas Patch, John Pett, Henry Plowman, Thomas Pouncy, Thomas Smith Pouncy, Thomas Gould Read, William Reason, Edmund Rowe, Thomas Saunders, Charles Sheppard, George John Stickland, George Simonds, George Slade, Joseph Stone, Charles Stickland, John Standish, George Strickland, William Denning Tapp, Hooper Tolbert, John Tullidge, Thomas Tullidge, Thomas Tullidge the younger, James Upcott, John Wallis, William Watson, John Willis, Herbert Williams, John Wood, Thomas Wood, George Wood Clerk, Charlton Byam Wollaston, Morgan Yeatman, and William Zillwood, and their Successors, to be appointed in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for putting in execution all the Powers and Authorities in and by this Act given and granted; and when and as often as any of the Commissioners named in or hereafter to be elected in pursuance of this Act shall die, or shall remove out of the Borough of *Dorchester* or Tithing of *Colliton Row* aforesaid, or refuse to act, it shall and may be lawful for the Occupiers of Houses, Buildings, Lands, Tenements, and Hereditaments within the said Borough of *Dorchester* and Tithing of *Colliton Row* charged to and paying the Rates, Duties, and Assessments authorized*

Commission-  
ers dying, &c.  
others to be  
appointed.

authorized by this Act, at the First Meeting for carrying this Act into execution which shall be held after the Twenty-fourth Day of *June* One thousand eight hundred and thirty-five, and at every subsequent Meeting to be held next after the Twenty-fourth Day of *June* in every Year, to nominate and appoint One or more fit Person or Persons in the Place or Stead of such Commissioner or Commissioners so dying, removing, or refusing to act as aforesaid; and Notice of the Time and Place for every such Election shall be given by the Clerk to the said Commissioners by fixing the same at the County Hall and the Doors of the Three Churches in the said Borough of *Dorchester* at least Ten Days before the Meeting for such Election; and all and every such Person and Persons as shall be so elected shall, from the Time of his and their Election, have the same Power and Authority for putting this Act in execution, to all Intents and Purposes, in as full and ample a Manner as the said Commissioners hereby appointed.

III. Provided always, and be it further enacted, That no Inhabitant of the said Town shall be qualified to vote at any Election of a Commissioner unless he shall have previously paid up the Rates with which he may be charged, and which may have been demanded of him by virtue of this Act.

Rates  
charged to  
be paid be-  
fore voting.

IV. And be it further enacted, That no Person shall be capable of acting as a Commissioner in any Case in the Execution of this Act unless he shall be an Inhabitant in the Borough of *Dorchester* or Tithing of *Colliton Row* aforesaid, and shall be seised or possessed of, in his own Right or in the Right of his Wife, and be in the actual Possession and Receipt of the Rents and Profits of a Real Estate of the clear yearly Value of Twenty-five Pounds above Reprizes, arising within the Borough of *Dorchester* or Tithing of *Colliton Row* aforesaid, or shall be an Occupier of a House or Premises within the said Borough or Tithing, rated in pursuance of this Act at the annual Value of Twenty-five Pounds, or shall be an Inhabitant in the Borough of *Dorchester* or Tithing of *Colliton Row* aforesaid, and possessed of or entitled unto a Personal Estate, or a Real and Personal Estate together, of the Value or to the Amount of One thousand five hundred Pounds, clear of all Incumbrances whatsoever; and if any Person or Persons not being qualified in manner herein-before mentioned, or being disqualified by any of the Causes in this Act mentioned, shall act as a Commissioner for putting this Act in execution, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered, with full Costs, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he was so qualified as aforesaid, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act: Provided always, that all Acts and Proceedings of a Person acting as a Commissioner in the Execution of this Act, although such Person shall not be duly qualified as aforesaid, previously to his being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person had been qualified according to the Directions of this Act.

Qualification  
of Commis-  
sioners.

V. And

Commissioners Meetings.

V. And be it further enacted, That the said Commissioners, or any Three or more of them, shall and may and they are hereby authorized and required to meet and assemble together at the Town Hall or at some other convenient Place in the Town of *Dorchester* aforesaid upon the Second Day of *June* One thousand eight hundred and thirty-four, or as soon after as conveniently may be, between the Hours of Ten and Twelve of the Clock in the Forenoon, and shall then and there proceed to put this Act into execution, and shall then and there, at such First Meeting, or at any subsequent Meeting held in pusuance of this Act, from Time to Time afterwards adjourn themselves to and meet at the Place aforesaid, or at any other convenient Place in the Town of *Dorchester* aforesaid, as they the said Commissioners or the major Part of them present at such Meeting shall appoint, provided that no Adjournment shall be for more than Twenty-eight Days; and shall then and there make such Orders, Rules, and Regulations as shall to them or the major Part of them appear necessary and proper for the better and more effectually carrying this Act into execution; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be held by the said Commissioners a sufficient Number to act at such Meeting, and to adjourn to any other Day, (Two Commissioners being always deemed sufficient for the Purpose of adjourning,) or if they shall neglect or omit to adjourn, or if any Adjournment shall be made longer than for Twenty-eight Days, or any wrong Adjournment shall be made, then and in every such Case the Clerk to the said Commissioners, or any Two or more of the said Commissioners, shall and may, by public Notice, signed by the said Clerk or by Two or more of the said Commissioners, to be fixed upon the County Hall, and on the Doors of the Churches in the Town of *Dorchester* aforesaid, at least Ten Days before every such Meeting, call a Meeting at the Place where the last Meeting of the said Commissioners was appointed to be held, and the said Commissioners shall and may meet accordingly at the Time and Place mentioned in the said Notice, and proceed to the Execution of this Act.

Commissioners not to act where interested.

VI. Provided always, and be it further enacted, That no Commissioner hereby appointed, or hereafter to be appointed as aforesaid, shall be capable of acting as a Commissioner during the Time he shall hold any Office or Employ of Profit under this Act, or be concerned in or have any Benefit or Interest in any Contract whatsoever made by virtue of this Act, or in any Case wherein he shall be, directly or indirectly, personally interested; nor shall any such Commissioner be capable of taking any Contract under the said Commissioners during the Time he shall be a Commissioner: Provided nevertheless, that nothing herein contained shall extend or be deemed or construed to extend to prevent any Person acting as a Commissioner in the Execution of this Act by reason of his having any Share or Interest in any Company already established for supplying the said Borough or Tithing with Gas or Water, or other such like Company, or who shall be a Proprietor of any Gas or Waterworks established for like Purposes, and with which or with whom the said Commissioners may enter into any Contract or Agreement.

Commissioners not to act except at Meetings.

VII. Provided also, and be it further enacted, That no Commissioners named or appointed, or who shall hereafter be named or appointed as aforesaid, in or by virtue of this Act, shall act, or be empowered to do  
any

any Act in the Execution of the Powers hereby given to them or either of them, except it be at a Meeting to be by them held in pursuance of this Act; and no Act or Order of the said Commissioners shall be or be deemed to be good or valid unless made or done at a Meeting to be holden as aforesaid (except as may be herein excepted); and at every Meeting of the said Commissioners by virtue of this Act the Powers and Authorities hereby granted to them shall be carried into execution by the Majority of the said Commissioners present at such Meeting, the Number present at such Meeting not being less than Three (except in such Cases where by this Act a greater Number is required); and such one of the Commissioners present as the major Part of them then attending shall appoint shall preside, and be called the "Chairman"; and in case of Equality of Voices of the Commissioners assembled (including the said Chairman's Voice) such Chairman shall have upon all such Occasions another and decisive Voice; and all Acts, Orders, and Proceedings of the said Commissioners made or had at such Meetings shall be entered in the Books of Proceedings; and the Chairman of every such Meeting shall subscribe his Name at the End of the Proceedings at every such Meeting; and at all Meetings to be held in pursuance of this Act the Commissioners present at such Meetings shall defray and bear their own Expences.

VIII. And be it further enacted, That the said Commissioners shall cause to be provided proper Books for entering all their Acts, Orders, and Proceedings, and all Rates to be made by virtue of this Act, and for registering all Mortgages and Assignments thereof, and shall cause fair and regular Entries to be made therein by their Clerk for the Time being of the Names of the Commissioners present at the several Meetings held in pursuance of this Act, and of the Nomination or Appointment of all Officers and other Persons to be appointed by virtue of this Act to act in the Execution thereof; and all Entries in such Books of Proceedings, being signed as herein-before mentioned, shall be deemed Originals, and shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others; and such Books shall be kept by the Clerk for the Time being to the said Commissioners, or by such other Person or Persons, and at such Place, as the said Commissioners shall direct; and the same shall respectively at all convenient and reasonable Times, without Fee or Reward, be open and liable to the Inspection of each and every or any of the said Commissioners, and of all and every Person and Persons rated and assessed for the Purposes of this Act, or otherwise affected thereby.

Proceedings  
to be entered  
in Books.

IX. And be it further enacted, That the said Commissioners shall and they are hereby required 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 Monies received, paid, laid out, and expended in the Execution of this Act, and the several Articles, Matters, and Things for which such Monies shall have been disbursed, laid out, and paid, which Book or Books shall at all reasonable Times be open to the Inspection of the said Commissioners, or any Creditor or Creditors on the Rates hereby authorized to be made, without Fee or Reward; and the said Commissioners and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk for the Time being to the said Commissioners, or

Books to be  
kept of Re-  
ceipts and  
Disburse-  
ments.

[Local.]

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other

other Person or Persons with whom any Books or Accounts or Papers belonging to the said Commissioners shall have been deposited, shall on any reasonable Demand refuse to permit or shall not permit any of the said Commissioners or Creditors to inspect such Books, Accounts, or Papers, or to take Copies thereof or Extracts therefrom, as in this Act mentioned, such Clerk, or such other Person or Persons so offending, shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Books under the recited Act to be Evidence under this Act.

X. And be it further enacted, That all Books of the Trustees of the said recited Act kept for entering Proceedings at Meetings of the same Trustees, and all Entries therein made, according to the Directions or Provisions of the same Act, and made Evidence thereof, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Act of the Sixteenth Year of the Reign of His late Majesty had not been repealed.

Commissioners may act as Justices.

XI. And be it further enacted, That it shall and may be lawful for any Commissioner or Commissioners who shall be a Justice or Justices of the Peace to act, and he and they is and are hereby authorized and empowered to act, as a Justice or Justices of the Peace, notwithstanding his or their being a Commissioner or Commissioners under this Act.

Mortgages, Bonds, &c. under the recited Act to subsist and continue.

XII. And be it further enacted, That all Mortgages, Bonds, Covenants, Agreements, Contracts, Debts, Stipulations, and Securities made to or by or entered into or incurred by or on account of the Trustees acting by or under the said recited Act, or by any Person or Persons to or with the said Trustees, and also any Rate which may have been made according to the Provisions of the same Act, shall, notwithstanding such Repeal of the same Act, subsist and continue, and shall remain in full Force and be carried into effect by and with the Commissioners under this Act, and shall be and continue available in all Courts of Law and Equity, and shall and may be levied and collected for such Term and Terms and in such Manner as, according to the Tenor thereof respectively, the same would have subsisted and continued and ought to have been carried into effect by and with the said Trustees under the said recited Act; and all Bargains, Contracts, Agreements, or Notices made, entered into, or given by the said Trustees acting by or under the said recited Act with or to any Person or Persons, for any Purpose relating to the Execution of the said recited Act, shall remain in full Force and Effect, and shall be observed and kept by the said Commissioners under this Act, and by the other respective Parties to such Contracts, Agreements, or Notices, according to the Terms, Stipulations, and the true and equitable Intent and Meaning thereof, notwithstanding such Repeal as aforesaid of the said recited Act.

Officers appointed under recited Act to continue until Removal.

XIII. And be it further enacted, That the Clerk, Toll Gatherers, and Collectors of the Assessments, or other Officers or Servants, nominated or appointed by virtue of the said recited Act, except the Treasurer, shall hold and enjoy their several and respective Salaries, Gratuities, and Allowances thereunto annexed until he or they shall be removed therefrom respectively by the Commissioners acting by virtue of this Act; and every such Treasurer, Clerk, Toll Gatherer, Collector, and other Officer and Servant shall be subject to the like Pains and Penalties and Power of Removal,

Removal, and to the like Rules and Regulations, as if he or they had been nominated or appointed by virtue of this Act.

XIV. And be it further enacted, That the said Commissioners, at their First or any subsequent Meeting, may nominate and appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Rates or Assessments herein-after mentioned and such other Officer or Officers, for the Execution of this Act, as they the said Commissioners shall at any such Meeting think fit and proper, and from Time to Time remove him or them, and appoint others in the Rooms and Places of such of them as shall be so removed or shall die, Ten Days Notice of the Time and Place of every such Meeting after the First for that Purpose, being given in manner aforesaid; and the said Commissioners shall and they are hereby required to take such Security for the due Execution of such Office and Offices as to the said Commissioners shall seem meet; and the said Commissioners shall and may, and they are hereby authorized and empowered, out of the Monies which shall arise and be collected by virtue of this Act, to allow and pay to the several Clerks, Treasurers, Collectors, Receivers, and other Officers such Salaries, Rewards, and Allowances for their Attendance, Care, and Services as the said Commissioners shall deem reasonable.

Commis-  
sioners may  
appoint and  
remove Of-  
ficers.

To take  
Security in  
certain  
Cases.

XV. And be it further enacted, That all such Officers so to be appointed shall, under their Hands, at such Time and Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received by virtue of and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same; and every Treasurer appointed by virtue of this Act shall, on the Second *Monday* in *January* in every Year, or at the First Meeting of the said Commissioners then next following (although not thereunto required by the said Commissioners), lay his Accounts before the said Commissioners in order that the same may be audited, allowed, and passed by them, if approved of, and which said Accounts are to be annually printed and published; and if any such Officer shall refuse or neglect to make and render any such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, within Seven Days 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 such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Commissioners respecting the same, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to commence or cause to be commenced in any of His Majesty's Courts of Record at *Westminster* an Action or Actions against the Officer or Person making such Default as aforesaid for the Recovery of the Monies which shall be in the Hands of such Officer or Person, and

Officers to  
account.

Proceedings  
in case of  
Neglect to  
account.

to recover the same, with full Costs of Suit ; or it shall and may be lawful for the said Commissioners, or any Person or Persons whom they shall appoint for that Purpose, to make Complaint of any Refusal or wilful Neglect as aforesaid to any Justice of the Peace for the County, City, or Place wherein such Officer so refusing or wilfully neglecting shall be or reside, and such Justice may and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Officer so neglecting or refusing to appear before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way ; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby required to administer), it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Officer, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer ; and if no Goods and Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain, without Bail or Mainprize, until he shall make a true and perfect Account and Payment as aforesaid ; or until he shall compound with the said Commissioners for such Money ; 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), and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof, to the said Commissioners ; provided that no Person who shall be committed by virtue of this Act on account of his not having sufficient Goods or Chattels shall be detained in Prison for any longer Time than Six Calendar Months.

Offices of  
Clerk and  
Treasurer not  
to be held by  
One Person.

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



Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, nor more than One Impar lance, shall be allowed.

XVII. And be it further enacted, That the said Commissioners may sue and be sued for and 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 or Names of any One or more of the said Commissioners; and no Action or Suit to be so brought by or against the said Clerk, or Commissioner or Commissioners, shall abate or be discontinued by his or their Death, Removal, or Default, but shall be continued and carried on in his or their Name or Names, and such Clerk, or Commissioner or Commissioners, shall be deemed Plaintiff or Defendant, or Plaintiffs or Defendants, in such Action or Suit (as the Case may require): Provided always, that any such Clerk, or Commissioner or Commissioners, in whose Name or Names any such Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall not, by reason of his or their being such Clerk, or Commissioner or Commissioners, be rendered incompetent or inadmissible as a Witness or Witnesses in any such Action or Suit as aforesaid, unless such Clerk, or Commissioner or Commissioners, be personally or individually interested or concerned therein: Provided also, that every or any such Clerk or Commissioner in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to 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 therein, and shall not be personally answerable or liable for the Payment of the same, or any Part of them, unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default, or have been brought, or commenced or defended without the Order or Direction of the said Commissioners.

XVIII. And be it further enacted, That all the present and future Pavements, in the several Streets, Highways, and other public Passages and Places within the said Borough of *Dorchester* and Tithing of *Colliton Row*, and the Stones, Gravel, and other Materials of which, as well the Footways as the Carriage ways of such Streets, Highways, and other public Passages and Places, do and shall consist, and also all Lamps, Lamp Irons, Lamp Posts, Gates, or Chains, and Toll Houses which now are or hereafter shall be used, erected, or fixed up by virtue of this Act, and also all the Dust, Dirt, Dung, Ashes, and Filth to be swept, gathered, and collected in or from the said Places or any of them, shall belong to and be the

[Local.]

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Property

Commissioners may sue or be sued in the Name of their Clerk or of any Commissioner.

Pavements, Lamp Posts, &c. vested in the Commissioners.

Property of and are hereby vested in the said Commissioners; and the said Commissioners shall have full Power and Authority to sell and dispose of any of the said Articles and Things to such Person and Persons, and in such Manner, as the said Commissioners shall think proper; and the said Commissioners shall and may cause to be brought any Action or Actions, or direct the prosecuting any Bill or Bills of Indictment, as the Case may require, against any Persons who shall steal, take, or carry away, detain, deface, damage, injure, or destroy, the several Articles and Things hereby vested in the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment shall be preferred, is or are the Property of "The Commissioners of the *Dorchester* Paving Act," without stating or specifying the Names of all or any of the said Commissioners.

Commis-  
sioners to  
cause Streets  
to be paved,  
cleansed,  
watered, &c.

XIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, from Time to Time and at all Times hereafter when they shall think proper, to cause, order, and direct all or any of the present or future Streets, Roads, Highways, and other public Passages and Places within the said Borough and Tithing, as well Carriageways as Footways, or any Part or Parts thereof, to be repaired, made, formed, paved, amended, and sustained in such Manner and with such Materials as the said Commissioners shall think proper, and also to cause the Materials thereof to be taken up, and relaid and renewed, and the Ground and Soil thereof to be raised, lowered, and altered from Time to Time, in such Manner and with such Materials as the said Commissioners shall think proper, and also from Time to Time cause to be cut or made in, through, over, or under any such Streets, Roads, Highways, public Passages and Places, any Sewers, Drains, Sinks, Gutters, or Watercourses for conveying the Water from such Streets, Roads, Highways, public Passages and Places, in such Manner as they shall think proper, and also to cause all or any of the said Streets, Roads, Highways, and other public Passages and Places from Time to Time to be cleansed and watered at such Seasons and Times and in such Manner as the said Commissioners shall think proper, and order and direct; and the said Commissioners may and they are hereby empowered, from Time to Time as Occasion shall require, to contract with any Person or Persons for the cleansing, watering, paving, and repairing, and also for keeping in good and sufficient Repair, all or any of the said Streets, Roads, Highways, public Passages and Places, and shall enter into any Contract or Contracts for doing the same; but previous to the making of any such Contract or Contracts Ten Days public Notice shall be given, expressing the Intention of such Contract, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said Commissioners at a certain Time and Place in such Notice to be mentioned.

No Altera-  
tion of the  
Pavements  
without the  
Consent of

XX. And be it further enacted, That if any Person or Persons shall take up or cause to be taken up, or make or cause to be made, any Alteration in the Form of the Pavement or Flagging or macadamized or gravelled Roads or Paths, or of any Part thereof, in any of the said Streets,  
Roads,

Roads, public Passages or Places, within the said Borough and Tithing, without the Consent in Writing of the said Commissioners, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in case the Person or Persons so taking up or altering any such Pavement or Flagging, or macadamized or gravelled Roads or Paths, or any Part of the same respectively, shall not, within Ten Days after Notice in Writing by the Surveyor to the said Commissioners, or such other Person or Persons as they shall appoint, given to or left at the last or usual Place or Places of Abode of such Person or Persons, cause the same Pavements or Flagging, macadamized or gravelled Road or Path respectively, which shall have been so altered or taken up, to be reinstated and put into its former State, then and in every such Case the Surveyor to the said Commissioners shall cause the same to be so done, and the Costs and Charges thereof shall be borne and paid by the Person or Persons who shall have taken up or altered such Pavements or Flagging, macadamized or gravelled Road or Path, or any Part thereof respectively, and in case of Nonpayment thereof, on Demand, to the said Surveyor or other Person acting by or under the Authority of the said Commissioners, such Costs and Charges shall and may be levied and recovered in such and the like Manner as any Penalty is by this Act directed to be levied and recovered.

the Commis-  
sioners.

XXI. 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, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall moreover pay to 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.

XXII. And be it further enacted, That for the more effectually carrying this Act into execution the said Commissioners, or any Surveyor or other Person to be employed by them, or any Person or Persons to be appointed or employed by such Surveyor or other Person, shall and may and they are hereby empowered to search for, dig, gather, take, and carry away any Gravel or other Materials fit and proper for paving and covering the Pavements and Pitching of the said Streets, Roads, Lanes, and public Passages, or for any other Purpose whatsoever, in the Execution of this Act, or of any of the Powers or Authorities herein contained, in, upon, out of, and from any Waste or Common within any adjoining Parish, without paying for the same, but levelling the Pits; and also that it shall and may be lawful for the said Commissioners, or any Surveyor or other Person to be employed by them, or any Person or Persons to be employed by such Surveyor or other Person, to search for, dig, gather, take, and carry away any such Materials in, upon, out of, and from the Lands, Fields, or Grounds of any Person or Persons where the same may be had and found, (such Lands, Fields, and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery, or inclosed Ground, planted with any Avenue of Trees for the Ornament of any House,) they the said Commissioners, or their Surveyor, or other Person or Persons having an Order from the said Commissioners for so doing, filling up the Pits.

Materials  
may be got  
for the Pur-  
poses of the  
Act.

Pits and levelling the Ground from which such Materials shall be taken, and paying or offering to pay to the respective Owners or Occupiers of such Lands, Fields, or Grounds such Damages for the cutting, digging, taking, and carrying away such Materials, and for carrying the same over any inclosed Lands or Grounds, as the said Commissioners shall adjudge reasonable; and in case of any Difference concerning the same any One or more Justice or Justices of the Peace of the said County of *Dorset* shall and may, on Ten Days Notice given by the said Commissioners or their Surveyor to the said Owner or Owners, Occupier or Occupiers, or by him, her, or them, to the said Commissioners or to their Surveyor, or to be left at their respective Places of Abode, hear, settle, and determine the Matters in dispute, and ascertain what Damages shall be paid; and the Order and Determination of the said Justice or Justices shall be final and conclusive to all Parties.

Not to take  
Materials  
from inclosed  
Lands with-  
out Notice.

XXIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners, or any Person or Persons acting under their Authority, to search for, dig, take, or carry away any Materials for the Purposes aforesaid out of or from any inclosed Lands or Grounds until Notice in Writing, signed by the Clerk or Clerks of the said Commissioners, shall have been given to the Occupier of the Lands from which such Materials are intended to be taken, to appear before the said Commissioners, or some Justice or Justices of the Peace, to show Cause why such Materials shall not be had or taken from such Lands or Grounds; and in case such Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, the said Commissioners, or such Justice or Justices, shall, if he or they shall think proper, authorize such Person or Persons as the said Commissioners shall appoint for the Purpose to dig, take, and carry away such Materials at such Time or Times as to the said Commissioners, or such Justice or Justices, shall seem proper; and if such Occupier shall neglect or refuse to appear in Person, or by his or her Agent, then the said Commissioners, or Justice or Justices, shall and may (upon Proof on Oath of the Service of such Notice) make such Order in the Premises as he or they shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier, or his or her Agent, had attended in pursuance of such Notice.

Penalty on  
Persons  
carrying  
away Mate-  
rials got by  
the Commis-  
sioners.

XXIV. And be it further enacted, That the said Commissioners shall have full Power and Authority to cause any Stones, Gravel, Sand, Earth, or other Materials as aforesaid to be carried and brought into the said Streets, Roads, Lanes, Highways, public Passages and Places within the said Borough or Tithing, or any of them, and laid down there for the Purposes of this Act; and if any Person whomsoever shall, without the Licence and Authority of the said Commissioners, or of their Surveyor for the Time being, remove or take away any such Stones, Gravel, Sand, Earth, or other Materials which shall be so brought or laid in the said Streets, Roads, Lanes, Highways, public Passages and Places within the said Borough and Tithing, or any of them, by the Order of the said Commissioners, or shall remove or take away any such Stones, Gravel, Sand, Earth, or other Materials which shall have been dug or gathered by Order of the said Commissioners or their Surveyor, every Person so offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

XXV. And

XXV. And be it further enacted, That the said Commissioners shall and may contract with such Person or Persons as they shall think proper to act as Scavenger or Scavengers, with such Salary, Wages, or Reward as they the said Commissioners shall think proper and direct; and the Person or Persons employed as a Scavenger or Scavengers shall; in such Manner, in every Week, or as often as the said Commissioners shall from Time to Time at any Meeting direct, bring or cause to be brought such Sort of Cart or Carts or other Carriages as the said Commissioners shall direct and appoint into all and every the Streets, Lanes, public Passages, and other Places in the said Borough and Tithing where such Carts and Carriages can pass, and shall, at or before his or their Approach, by Sound of Bell, Horn, or Clapper, give Notice to the Inhabitants, and give the like Notice in every Court, Alley, and Place into which the said Carts and Carriages cannot pass, and shall abide and stay a convenient Time in or near the said Places respectively, to the Intent that all Persons concerned may bring forth their respective Dust, Dirt, Ashes, and Filth to the Door of their respective Houses or other Premises, wherefrom the said Scavenger or Scavengers shall carry or cause the same to be carried away to such Place as the said Commissioners shall appoint; and the said Scavenger or Scavengers shall sweep and cleanse, or cause to be swept and cleansed, in a proper Manner, all the said Streets, Lanes, and public Passages, and all such other Place and Places as the said Commissioners shall direct and appoint, and afterwards take up and carry away the Dirt and Soil there made and found; or swept up out of the same, immediately or within such Time as the said Commissioners shall direct, under a Penalty not exceeding Twenty Shillings for every Neglect, to be recovered and applied in manner herein-after mentioned.

Scavenger's  
Duty.

XXVI. And be it further enacted, That no Person or Persons whomsoever shall take or carry away, or cause to be taken or carried away, any Ashes, Dust, Dirt, Muck, Dung, or Manure which shall be made in any or either of the said Streets, Lanes, or public Passages in the said Borough or Tithing, out of the same, besides the Scavenger or Scavengers appointed or to be appointed by the said Commissioners, upon pain of forfeiting and paying the Sum of Ten Shillings for every such Offence, to be recovered, levied, and applied in manner herein-after mentioned.

No Person  
to carry away  
the Soil of  
the Streets  
but the Sca-  
venger.

XXVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to cause the several Streets, Lanes, Roads, Highways, and other public Passages and Places within the said Borough and Tithing, or such of them as they shall think proper; to be lighted, either by means of Oil Lamps or by means of Gas or Inflammable Air, at such Times and Seasons as the said Commissioners shall think fit, and to direct what Part or Parts of the said Borough and Tithing shall be lighted with Oil, and what by means of Gas or Inflammable Air; and it shall and may be lawful for the said Commissioners from Time to Time to contract and agree with any Company or Companies or other Person or Persons, to light the said Streets, Lanes, Roads, Highways, and other public Passages and Places, or any of them, or any Part thereof respectively, by means of Oil or Gas or Inflammable Air, in such Manner, and upon such Terms and Conditions, Stipulations and Agreements, as the said Commissioners shall think proper; and to provide and set up, fix or place, all necessary Lamps, Lamp Posts, Lamp Irons, and Iron or other

Commis-  
sioners em-  
powered to  
cause  
Streets, &c.  
to be lighted  
with Oil or  
Gas.

[Local.]

4 F

Pipes

Pipes for the Conveyance of Gas or Inflammable Air, and other Works necessary for the Purposes of this Act ; and for the Purpose of lighting all or any of the said Streets, Lanes, Passages, and Places with Gas or Inflammable Air, to direct the breaking up the Soil or Pavement of any of the Footways or Carriageways of any of the said Streets, Lanes, Roads, Highways, Passages, and Places, and the opening, digging, sinking, and removing the Ground, and the laying and fixing or placing Pipes, Stopcocks, Plugs, Branches, and any other Works or Machinery, by any Company or Companies, or other Person or Persons, for the Conveyance of the said Gas or Inflammable Air, for the Purpose of lighting such Streets, Lanes, Roads, Highways, Passages, and Places, or any Part or Parts thereof ; and from Time to Time to direct such Pipes, Stopcocks, Plugs, Branches, Works, and Machinery to be repaired, altered, and renewed.

Gas Pipes,  
&c. not to be  
laid on pri-  
vate Proper-  
ty without  
Consent.

XXVIII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners, or any Company or Companies, or other Person or Persons, making, furnishing, or supplying such Gas, used, burnt, or consumed within the said Borough or Tithing, for lighting any Street, Lane, Passage, or Place, or any House, Shop, Warehouse, or other Building therein, to carry, lay, or fix or continue any Pipe or Pipes, or Cocks or Branches from any Pipes or Thing for the Conveyance of Gas or Inflammable Air into or through any Dwelling House or Houses or private Buildings, or into or through any private Lands or other Hereditaments or Premises, or so to continue the same, without the Consent of the Owner or Owners, Occupier or Occupiers of every such Dwelling House, Building, Lands, Tenements, and Hereditaments respectively, nor to enable the said Commissioners, or any Company or Companies, or any Person or Persons, to enter into or upon any private Lands or Grounds, for any Purposes relating to the Supply or Use of Gas, without such Consent as aforesaid for that Purpose first had and obtained.

Commis-  
sioners to  
repair Da-  
mage done  
to any Build-  
ing by affixing  
Lamps, &c.

XXIX. Provided also, and be it further enacted, That if any Injury or Damage shall be occasioned to any Building or Wall or other Erection by the affixing, setting up, taking down, altering, or removing any Lamp or any Lamp Iron, or other Fastening thereof, or any Pipe or other Matter or Thing used for the Conveyance of Gas or Inflammable Air, 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 always, that it shall not be lawful for the said Commissioners, or any Person acting by their Authority, to carry, lay, place, or fix any Pipe or other Thing for the Conveyance of Gas through, into, against, or on any Dwelling House or private Building, or to continue the same, without the Consent in Writing of the Owner and Occupier thereof.

Service  
Pipes to be  
kept fully  
charged with  
Gas.

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

XXXI. And

XXXI. And be it further enacted, That all and every the Pipes or other Conduits to be used or laid for the Conveyance of Gas in, under, through, along, across, or round any Street or other Place in the said Town shall be 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 or other Places (excepting in Cases where it shall be unavoidably necessary to lay the 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 said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any of the said Water Pipes than Four Feet at least); and in laying down the said Gas Pipes the Company or Companies, or other Person or Persons, supplying Gas, shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, airtight, and in all and every respect prevent the said Gas from escaping therefrom, upon pain of forfeiting for every Offence the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, by Action of Debt, Bill, Complaint, or Information in any of His Majesty's Courts of Record at *Westminster*.

Gas Pipes to be laid Four Feet at least from Water Pipes, and in a particular Manner.

XXXI. And be it further enacted, That if the Company or Companies, or other Person or Persons, Proprietor or Proprietors of any Gas Works now or hereafter to be established within the said Borough or Tithing, or any other Person or Persons whomsoever, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever which shall arise or be produced in the Prosecution of any such Gas Work, or in the Manufacture or Process of making or procuring any such Gas, into any River, Brook, or running Stream, Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, Well, Drain, Sewer, or Ditch, whereby the said Water or any Part thereof shall or may be spoiled, fouled, or corrupted, then and in each and every such Case the said Company or Companies, or Person or Persons, Proprietors as aforesaid, or other Person or Persons, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall or 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, Complaint, Suit, or Information, wherein no Essoign, Protection, Privilege, nor more than One Imparlance, shall be allowed; and one Moiety thereof shall be paid to the Person or Persons who shall inform and sue for the same, and the other Moiety

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

to

to the Person or Persons against whom any such Annoyance, Act, or Thing shall have been done or committed, or who shall have been injured thereby: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been sued for or recovered or not, in case any of the said Washings or other Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Aqueduct, Waterway, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to the said Company or Companies, or other Person or Persons, Proprietors as aforesaid, and the said Company or Companies, or other Person or Persons, Proprietors as aforesaid, shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop, hinder, 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 Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Company or Companies, or Person or Persons, Proprietors as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, or such other Annoyances, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered, levied, and applied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered, levied, and applied.

For preventing the Escape of Gas.

XXXIII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which have already or shall hereafter be laid down or set up by any Company or Companies, or any other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Borough and Tithing, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, the said Company or Companies, or other Person or Persons, Proprietors as aforesaid, shall, immediately after Notice of any such Escape of Gas given to them or him in Writing from the said Commissioners or their Surveyor, or other Officer within the said Borough and Tithing, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Company or Companies, or other Person or Persons, Proprietors as aforesaid, shall not, within Twenty-four Hours next after such Notice given, effectually stop and prevent any further Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Company or Companies, or other Person or Persons, Proprietors as aforesaid,



aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours after the Time of giving such Notice during which the Gas shall be suffered to escape as aforesaid; which Penalty shall be from Time to Time recoverable in a summary Way, on the Oath (or Affirmation if a Quaker) of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace for the said Borough, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of such Contractor or Contractors, or Person or Persons, by the Warrant of such Justice or Justices of the Peace as aforesaid, to be granted in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the said Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage thereby.

XXXIV. And be it further enacted, That whenever the Water commonly used by the Inhabitants of the said Borough and Tithing shall be contaminated by any Gas used or burnt for lighting any Street or Place, or any House or Manufactory, Building, or other Premises in the said Town, the Company or Companies, or Person or Persons, making, furnishing, or supplying such Gas, shall forfeit and pay the Sum of Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Benefit of the Person or Persons aggrieved thereby; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the Company or Companies, Person or Persons, making, furnishing, or supplying such Gas, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Person or Persons making use of such Water, to be left at the usual Office or Place of transacting Business of the said Company or Companies, or other Person or Persons, making, furnishing, or supplying such Gas, cause the most proper and effectual Measures to be taken to stop and prevent Gas from escaping from their Main Works or Pipes, or contaminating or affecting the Water as aforesaid; and in case the said Company or Companies, Person or Persons, making, furnishing, or supplying Gas, 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 the said Company or Companies, or Person or Persons, making, furnishing, or supplying such Gas as aforesaid, shall on each and every Complaint forfeit and pay to the Person or Persons aggrieved, for the Use and Benefit of the same Person or Persons, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which such Water shall be and remain contaminated or affected by such Gas; 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 the Person or Persons aggrieved, against the said Company or Companies, or other Person or Persons, making, furnishing, or supplying Gas, 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 Company or

For preventing the Contamination of Water by Gas.

Companies, or other Person or Persons, making, furnishing, or supplying such Gas, 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, when so levied, shall be paid to the Person or Persons prosecuting such Information.

For ascer-  
taining if  
Water be  
contami-  
nated.

XXXV. And whereas it may be or become a Question whether the Water of any Well or Pump be contaminated or affected by the Gas of the said Company or Companies, or Person or Persons as aforesaid; be it therefore further enacted, That in every such Case it shall be lawful for the Owner or Owners, or Occupier or Occupiers of any Messuage or Dwelling House, or other Person or Persons using the Water of any such Well or Pump the Water of which may be deemed affected as aforesaid, to dig to and about, and search and examine, the Mains, Pipes, Conduits, and Apparatus of the said Company or Companies, or Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by the Gas of the said Company or Companies, or Person or Persons as aforesaid, and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Company or Companies, or Person or Persons as aforesaid, and such Owner or Owners, Occupier or Occupiers, or Person or Persons, shall have given Twenty-four Hours Notice in Writing to the said Company or Companies, or Person or Persons as aforesaid, or to their, his, or her Clerk or Surveyor, of his, her, or their Intention to dig and make such Search and Examination, to the Intent that he or she may attend such Search and Examination, then and in such Case the Costs and Expences of the Digging, Search, and Examination, and Repair of any Pavement which shall be taken up or disturbed in any such Examination or Search, shall be borne and paid by the said Company or Companies, or Person or Persons as aforesaid, which Costs and Expences shall be ascertained and determined (if necessary) by One or more Justice or Justices of the Peace, and be recovered by Distress, in like Manner as Penalties or Damages 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 Company or Companies, or Person or Persons as aforesaid, then and in such Case the said Owner or Owners, Occupier or Occupiers of such Messuage or Dwelling House, Well or Pump, or other Person using such Water, and digging, examining, or searching as aforesaid, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Company or Companies, or Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the Mains, Pipes, Conduits, or Apparatus of the said Company or Companies, or Person or Persons as aforesaid, in and by such Search and Examination, and also to any Pavements, Gutters, and Watercourses broken up or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined, in case of any Dispute respecting the same, by such Justice or Justices of the Peace, and shall or may be levied and recovered, in case of Nonpayment, as Penalties for Offences against this Act are herein-after directed to be levied and recovered.

XXXVI. Pro-

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

Not to protect Persons supplying Gas from being indicted for a Nuisance.

XXXVII. And be it further enacted, That if any Person or Persons shall wilfully break, throw down, or otherwise damage any of the Lamps heretofore erected or which shall be erected by virtue of this Act, or any of the Posts, Irons, or other Furniture thereof, or extinguish any of the said Lamps, it shall and may be lawful for One or more Justice or Justices of the Peace, and he and they is and are hereby required, upon Oath of the Commission of any such Offence, (which Oath such Justice and Justices is and are hereby empowered to administer,) to issue a Warrant or Warrants for apprehending the Party or Parties accused, or it shall be lawful for any Person or Persons whomsoever who shall see such Offence committed to apprehend, as also for any other Person or Persons to assist in apprehending, the Offender or Offenders, and by the Authority of this Act to convey him or them before such Justice or Justices as aforesaid, to be dealt with as herein-after is directed; and the Party so accused being brought before the said Justice or Justices, or Oath being made before him or them that such Party or Parties cannot be found or apprehended, (which Oath the said Justice or Justices is and are also hereby empowered to administer,) the said Justice or Justices shall proceed to examine upon Oath any Witness or Witnesses that shall appear or be produced to give Information touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his or their own Confession or upon such Information as aforesaid, he or they so convicted shall for every such Offence respectively forfeit and pay any Sum not exceeding Five Pounds, and shall also make a full Satisfaction, in addition to the said Penalty, to the said Commissioners or to the Party injured, for the Damage so done; and in case the Penalties shall not be forthwith paid the Justice before whom such Offender or Offenders shall be convicted is hereby required to commit him or them to the Common Gaol at *Dorchester*, there to be kept to hard Labour for any Time not exceeding Six Months; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be so committed, unless such Forfeiture and Satisfaction shall be sooner paid and given; and the whole of such respective Forfeitures shall be applied for the Purposes of this Act; and in case any Person shall negligently or accidentally break, throw down, or otherwise damage any of the said Lamps,

Penalty on Persons wilfully breaking Lamps.

Persons accidentally breaking Posts;

Lamps to  
make Satis-  
faction.

Posts, Irons, or other Furniture, and shall not upon Demand make Satisfaction to the said Commissioners, or to the Treasurer or Clerk, for the Damage by such Person done as aforesaid, it shall and may be lawful for any Justice of the Peace and he is hereby required, on Complaint thereof by the said Commissioners, or Treasurer or Clerk, to summon the Party complained of, and upon his or her appearing or making default to appear (Oath being made that the Party complained of was served with such Summons, or that the same was left at his or her Dwelling House or Place of Abode if known, or that he or she could not be found,) such Justice shall proceed to examine the Matter of the said Complaint, and upon Proof thereof, either by the Confession of the Party complained of or by the Oath of One or more credible Witness or Witnesses, shall award and order such Satisfaction to be made by the Party complained of for the Damage so by him, or her done as to such Justice shall appear just and reasonable, and shall cause the Sum so awarded (in case the same shall not be paid forthwith upon the making such Award or Order) to be levied by Distress and Sale of the Goods and Chattels of the Person complained of, rendering to him or her, upon Demand, the Overplus, if any be, after the Charges of prosecuting such Complaint, and of such Distress and Sale, shall be deducted; and in case sufficient Distress cannot be found such Justice may commit the Party complained of to the Common Gaol of the said County, until he, she, or they shall pay the Sum so awarded, for any Time not exceeding Three Calendar Months.

Commis-  
sioners to  
appoint  
Watchmen.

XXXVIII. And be it further enacted, That the said Commissioners may and they are hereby empowered to appoint a sufficient Number of fit and able-bodied Men to watch and guard the said Streets, Lanes, and other public Passages in the said Borough and Tithing during the Night-time, under such Regulations and subject to such Orders as the said Commissioners shall make and give from Time to Time in that Behalf, and also to fix and determine the Wages and other Allowances which shall be paid such Watchmen respectively, and to pay such Watchmen such Wages and Allowances, and from Time to Time to make such Orders and other Regulations, as they the said Commissioners shall deem expedient for the better Government of the Watchmen to be so appointed, and to repeal such Orders and Regulations or any of them, and to substitute others, and from Time to Time to remove, suspend, and displace any of the said Watchmen, and appoint others in their Stead; and in case any Watchman or Watchmen so appointed shall be guilty of any Neglect or Misconduct in the Execution of his or their Duty it shall be lawful for One or more Justice or Justices of the Peace, upon Complaint against any such Watchman or Watchmen of any such Neglect or Misconduct, to commit any such Watchman or Watchmen to the Common Gaol at *Dorchester* for any Time not exceeding Three Calendar Months.

Duty of  
Watchmen.

XXXIX. And be it further enacted, That it shall be lawful for such Watchmen, and they are hereby required, to exert themselves in the Prevention of Fires, Burglaries, Robberies, and other Outrages, Disorders, and Breaches of the Peace, and to apprehend, and secure in some proper Place or Places of Security to be for that Purpose appointed, all Felons, Malefactors, Rogues, Vagrants, Vagabonds, and idle and disorderly Persons, or Disturbers of the public Peace, Prostitutes and Nightwalkers, and all Persons who shall be found wandering and misbehaving themselves

within the said Borough and Tithing, and to conduct all such Persons as soon as conveniently may be before some Justice of the Peace, to be examined and dealt with according to Law.

XL. And be it further enacted, That if any Victualler, or Keeper of any House, Shop, Room, or other Place for the Sale of any Liquors, whether spirituous or otherwise, shall knowingly harbour or entertain any such Watchman or Watchmen as aforesaid, or permit any such Watchman or Watchmen to remain in his or her House, Shop, Room, or other Place, during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper as aforesaid shall, on Conviction before any One or more Justice or Justices of the Peace, forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on  
Persons  
harbouring  
Watchmen.

XLI. And be it further enacted, That all Watchmen so to be appointed as aforesaid shall be sworn in as Constables before any Justice or Justices of the Peace, and act as such 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, Immunities, and Protections, as any Constable or Constables is or are invested with or have and enjoy by Law.

Watchmen to  
be sworn in,  
and invest-  
ed with the  
Powers of  
Constables.

XLII. And for raising Money for answering and defraying the Expences attending the applying for, obtaining, and passing of this Act, and of carrying into execution the several Purposes thereof, be it further enacted, That from and immediately after the Commencement of this Act the said Commissioners, or any Five or more of them, shall have full Power and Authority and are hereby required from Time to Time, once in every Year, or oftener if they or any Five or more of them shall think necessary, the first Year to be computed from the Twenty-fourth Day of *June* One thousand eight hundred and thirty-four, and from the Twenty-fourth Day of *June* in every succeeding Year, to rate and assess, and to make One or more equal Rate or Rates, Assessment or Assessments, upon the Tenants or Occupiers of all Houses, Shops, Warehouses, Buildings, Lands, Tenements, and Hereditaments within the said Borough of *Dorchester* and Tithing of *Colliton Row* aforesaid, (save and except all Churches, Chapels, Workhouses, Almshouses, and other Buildings set apart for Public Worship or Public Charity,) according to the yearly Value of the same respectively, to be settled by the said Commissioners, or any Five or more of them, at a Meeting for that Purpose, so that no such Rate or Assessment, Rates or Assessments, shall exceed in the whole the Sum of One Shilling and Sixpence in the Pound in any one Year for which such Rate or Assessment, Rates or Assessments, shall be made; and the Money or Monies so rated or assessed on the said Tenants or Occupiers shall be due and payable quarterly in advance on the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, the Twenty-fifth Day of *December*, and the Twenty-fifth Day of *March* in every Year, and shall be paid by such Tenants or Occupiers respectively to the Collector or Collectors or other Person or Persons appointed by the said Commissioners to collect the same; and the said Rates, and the Monies arising therefrom, shall be and are hereby vested in the said Commissioners respectively: Provided always, that no such House, Shop, Warehouse, Building, Lands, Tenements, or Hereditaments as shall not be occupied at the Time of making

Commis-  
sioners to  
make Rates  
and Assess-  
ments.

[Local.]

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such

such Rate or Assessment shall be chargeable therewith until the same shall become occupied, nor shall any Owne of such House, Shop, Warehouse, Building, Lands, Tenements, or Hereditaments be liable to pay such Rate during the Time the same shall be unoccupied: Provided also, that no Dwelling House or Tenement, nor shall any Owner or Proprietor, Tenant or Occupier of any such Dwelling House or Tenement, be liable to pay such Rate, unless the yearly Rent or annual Value of such Dwelling House or Tenement shall exceed the Sum of Five Pounds.

Commis-  
sioners may  
rate Persons  
omitted or  
under-rated.

XLIII. And be it further enacted, That if the said Commissioners, or any Five or more of them, shall at any Time or Times hereafter, in any Rates or Assessments by them to be made by virtue or in pursuance of this Act, neglect or omit to rate or assess any Person or Persons liable to such Rates or Assessments, or shall under-rate or assess any Person or Persons liable to such Rates or Assessments, and therein rated and assessed, then and in every such Case it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to rate and assess such Person or Persons so omitted or under-rated in such Manner as to the said Commissioners, or any Five or more of them, shall seem just; and such Addition or Alteration shall be as valid to all Intents and Purposes whatsoever as if the same had been Part of the original Rates or Assessments, any Statute, Law, Usage, or Custom to the contrary notwithstanding.

Recovery of  
Rates from  
Persons neg-  
lecting or  
refusing to  
pay.

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

attending the Recovery thereof, the Amount of such Costs, Charges, and Expences to be ascertained and determined by the said Justice or Justices.

XLV. And be it further enacted, That where any House, Shop, Warehouse, Building, Lands, Tenements, or Hereditaments shall be let or demised to more than One Tenant or Occupier, any One or more such Tenant or Tenants, Occupier or Occupiers, shall be deemed the Tenant or Tenants, Occupier or Occupiers, for the Purposes of this Act; but no such Tenant or Occupier shall at any Time be compelled to pay a greater Sum for or towards the Discharge of any such Rates or Assessments than the Amount of the Rent actually due and payable by such Tenant or Occupier to the Lessee, Landlord, or Owner of the Premises occupied by him; and the said Rates or Assessments shall be levied by Distress and Sale of all or any of the Goods and Chattels in such House, Shop, Warehouse, Building, Lands, Tenements, or Hereditaments; and in case any Tenant or Tenants, Occupier or Occupiers, shall remove out of any such House, Shop, Warehouse, Building, Lands, Tenements, or Hereditaments, before such Rates or Assessments shall be paid by him, her, or them, or if the Goods and Chattels of such Tenant or Tenants, Occupier or Occupiers, shall be deficient to defray such Rates or Assessments, then and in every such Case such Houses, Shops, Warehouses, Buildings, Lands, Tenements, or Hereditaments shall and may be made a Security for and chargeable with all such Rates or Assessments during the Time such House, Shop, Warehouse, Building, Lands, Tenements, or Hereditaments were so occupied as aforesaid; and the same shall and may be levied by Distress and Sale, by Warrant as aforesaid, of any Goods and Chattels which shall be thereafter found in or upon the same.

If Houses are let to more than One Tenant, any One to be deemed the Occupier.

XLVI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered, upon the Complaint of any Occupier of any Dwelling House or other Hereditaments subject to the Payment of the said Rates or Assessments, to mitigate, reduce, lessen, remit, or excuse, for or on account of his or her Poverty or Inability only, Payment of the said Rate or Assessment by such Occupier for such Dwelling House or other Hereditaments, in such Manner as the said Commissioners shall in their Discretion think just and reasonable.

Relief from Rates in case of Poverty.

XLVII. And for preventing Dangers by Fire, and for the greater Safety and Security of the Inhabitants of the Borough and Tithing aforesaid from this Calamity, be it further enacted, That all Houses, Outhouses, or other Buildings that shall be built or erected within the said Borough and Tithing shall be covered with Lead, Slate, Tile, or other Materials not consumable by Fire, and not otherwise; and if any Person or Persons shall cover or cause to be covered any House, Outhouse, or other Building, or any Part thereof, in the Borough of *Dorchester* and Tithing of *Colliton Row* aforesaid, with any other Covering than Lead, Slate, Tile, or such other Materials as are not consumable by Fire, every Person so offending shall for every such Offence forfeit and pay the Sum of Forty Shillings, and the further Sum of Ten Shillings for every Day such Offence shall continue, and the Master Workman employed to cover and perform the same shall for every such Offence forfeit and pay the Sum of Twenty Shillings; and it shall and may be lawful to and for the said Commissioners to order the same

All Buildings to be covered with Lead, Slate, or Tile or other Materials not consumable by Fire.

same to be taken down and removed in such Manner as they shall think proper ; and the Person and Persons so ordered shall and may take down, carry away, and remove the same accordingly, without any Notice or Warning to be given to the Owner or Owners, Tenant or Occupier, to take down, carry away, and remove the same ; one Moiety of the above Penalties to be paid to the Informer or Informers, and the other Moiety to the Poor of the Parish in which such House or Building shall be situate.

Commis-  
sioners em-  
powered to  
remove fu-  
ture Projec-  
tions.

XLVIII. And be it further enacted, That the several Owners or Occupiers of Houses, Buildings, and Premises situate in the several Streets, Lanes, public Passages and Places within the said Borough and Tithing, and every of them, are hereby authorized and required, at their Expence respectively, within Fourteen Days next after their respectively receiving Notice in Writing signed by any Five or more of the said Commissioners, to cause all and every the Porches, Sheds, projecting Windows, Steps, Cellar Windows, Cellar Doors, Railways, and other Obstructions and Projections whatsoever which shall hereafter be erected, affixed, set up, or laid down, or stand or be, against or in front of or belonging to their respective Houses or other Buildings, and which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances by reason of their projecting into, encroaching upon, or otherwise obstructing, annoying, or endangering the public Passage along any of the said Streets, Lanes, Highways, Passages, or Places, to be taken down, removed, and carried away, or otherwise altered or reformed, within such Time and in such Manner as shall be directed by the said Commissioners ; and in case the Owner or Occupier of any such House, Building, or Premises as aforesaid shall neglect or refuse to cause any such Porches, Sheds, projecting Windows, Steps, Cellar Windows, Cellar Doors, Railways, or other Obstructions or Projections whatsoever so adjudged to be a public 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 shall and may be recovered from the Owner or Occupier of such House or Building in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered : Provided always, that 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, and not being the Person who originally made or occasioned such Nuisance, shall and may deduct and retain the Amount thereof out of his or her Rent, and the Proprietor or Person entitled to the said Rent is hereby required to allow the same accordingly.

Water from  
Roofs of  
Houses to be  
carried off by  
Spouts, &c.

XLIX. And be it further enacted, That the Proprietor or Proprietors, or Occupier or Occupiers of every House or Building in or adjoining any Street, Road, Lane, or other public Passage or Place within the said Brough and Tithing, shall, within Ten Days next after Service of any Order or Direction for that Purpose, signed by Three or more of the said Commissioners, on him, her, or them personally, or left at his, her, or their last



or usual Place or Places of Abode, put up and place, and for ever afterwards keep in good Repair and Condition, a Shute, Spout, or Trough of the whole Length of such House or Building, with a Pipe or Trunk to be fixed to the Side or Front of such House or Building, from the Roof to the Ground, to carry off or conduct the Water from the Roof of such House or Building in such Manner that such Water shall not fall upon or incommode the Persons passing over or along any Footpath; and every Tenant or Occupier at Rack Rent of any such House or other Building who shall put up or place any such Shute, Spout, or Trough, Pipe or Trunk, or keep the same in repair, shall be entitled to deduct, out of the Rent payable to the Owner or Proprietor, or Owners or Proprietors of such House or Building, so much Money as such Tenant or Occupier shall have expended in putting up or placing or in keeping in repair any such Shute, Spout, Trough, Pipe, or Trunk; and the Payment of such Expences by any such Tenant or Occupier shall be a sufficient Discharge for him, her, or them for so much of his, her, or their Rent as the Amount of such Expences shall be equal to, and shall be abated or allowed to him, her, or them by the Owner or Owners, or Proprietor or Proprietors of such House or Building out of such Rent; and if any such Proprietor or Proprietors, or Occupier or Occupiers, shall, for the Space of Ten Days next after Service as aforesaid of any such Order or Direction, neglect to put up or place or neglect to repair any Shute, Spout, Trough, Pipe, or Trunk as aforesaid, then and in every and any such Case it shall be lawful for the said Commissioners to cause any such Shute, Spout, Trough, Pipe, or Trunk to be put up or placed against any such House or Building at the Expence of the Proprietor or Owner thereof; and in case any such Proprietor or Owner thereof shall refuse to pay such Expences, the same shall and may be levied and recovered by the said Commissioners by the same Ways and Means as the Rates or Assessments by this Act granted may be levied or recovered.

L. And be it further enacted, That no Water shall be permitted to drain from any House or Building upon the Footpath of any of the said Streets, Lanes, Highways, public Passages or Places within the said Borough and Tithing, but all such Water shall be conveyed from such Houses and Buildings either by means of underground Drains or Tunnels below the Surface of the Pavement or Flagging of the Footpath, or by means of Iron Drain Gutters to be fixed and placed in the Flagging or Pavement; and that for the Purpose of laying or forming such Drains or Tunnels, or fixing or placing such Iron Drain Gutters as aforesaid, it shall be lawful for the Proprietors of any Houses or Buildings, and they are hereby required, at their own Expence, to take up so much of the Pavement or Flagging of any Footpath or Carriageway as may be requisite, and to lay down and form the said Drains or Tunnels, or fix or place the said Iron Drain Gutters, under the Direction of the said Commissioners, or such Person or Persons as they shall appoint; and all Damage which may be thereby occasioned to the Pavement or Flagging of the Footpath or Carriageway shall be made good at the Expence of Proprietors of Houses and Buildings: Provided always, that in case Default shall be made in the Formation of such Drains or Tunnels, or in the fixing or placing of such Iron Drain Gutters in manner aforesaid, it shall and may be lawful to and for the said Commissioners, or any Person or Persons acting by or under

Water from Buildings to be conveyed in underground Drains, or Iron Drain Gutters.

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their

their Authority, to lay down and form the said underground Drains and Tunnels, and to fix and place the said Iron Drain Gutters; and the Costs and Charges thereof shall be paid and borne by the Proprietors of any such Houses and Buildings, and in default of Payment thereof for Ten Days next after Demand made by any Person acting by or under the Authority of the said Commissioners, such Costs and Charges shall and may be levied and recovered from the Person or Persons so making such Default as any Penalties, Rates, or Assessments are by this Act authorized to be recovered.

Inhabitants  
to sweep  
Pavements  
opposite  
their Houses  
in Winter.

LI. And be it further enacted, That the respective Occupiers of Houses or other Buildings within the said Borough and Tithing shall and they are hereby required, at all Times in the Winter, to sweep and cleanse, or cause to be well and sufficiently swept and cleansed, and kept free from any Accumulation of Ice and Snow, the Footways and Foot Pavements in front of their respective Houses or other Buildings, and during the Continuance of any Frost well and sufficiently, before Ten of the Clock in every Morning, lay, scatter, and spread Sand, Ashes, or other proper Materials on the Footways before their respective Premises for the Prevention of Accidents thereon; and every such Occupier or other Person making default herein shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

For prevent-  
ing Obstruc-  
tions in the  
Streets.

LII. And be it further enacted, That if any Waggon, Cart, Dray, or other Carriage of the like Description shall be left or suffered to stand or continue in any Street within the said Borough and Tithing, either loaded or unloaded, or with or without Horses, for any longer Time than is necessary for loading or unloading thereof, or in case the same shall not during such Time be placed so as to interrupt the public Passage as little as possible, or if any Stage Coach, Diligence, Post Chaise, or other Carriage of the like Description shall be left or suffered to stand or continue in any of the said Streets longer than necessary for the taking up or setting down any Passenger or Passengers, or for loading or unloading of his, her, or their Luggage, or for changing Horses, or for Rest or Refreshment, or if any Timber, Iron, Bricks, Stones, Slates, Tiles, Sand, Lime, Mortar, Hay, Straw, Coals, Boards, Casks, Tubs, Barrels, Goods, Wares, Merchandize, Materials, Articles, Matters, or Things whatsoever shall be laid, placed, or suffered to remain in any such Street longer than shall be necessary for removing and housing the same, then and in every such Case the Owner or Owners of every such Waggon, Cart, Dray, Coach, Chaise, or other Carriage, or of any such Timber, Iron, Bricks, Stones, Slates, Tiles, Sand, Lime, Mortar, Hay, Straw, Coals, Boards, Casks, Tubs, Barrels, Goods, Wares, Merchandize, Materials, Articles, Matters, and Things which shall be so left or suffered to remain in any of the said Streets as aforesaid, as well for himself, herself, or themselves, or his, her, or their Servants or Workmen, shall for every Offence in any of the aforesaid Particulars forfeit and pay any Sum not exceeding Twenty Shillings; and it shall be lawful for any Commissioner under this Act, or for any Officer of the said Commissioners, or for any other Person or Persons acting under their Authority, without the Presence of any Peace Officer or other Warrant, to seize or cause to be seized any such Waggon, Cart, Dray, Coach, Chaise, or other Carriage so placed or suffered to stand or continue  
contrary

contrary to the Intent of this Act, together with any Horse or Horses which may be thereunto affixed, or the Harness, Furniture, or Loading thereof, or the Timber, Iron, Bricks, Stones, Slates, Tiles, Sand, Lime, Mortar, Hay, Straw, Coals, Boards, Casks, Tubs, Barrels, Goods, Wares, Merchandize, Materials, or other Articles, Matters, or Things so left or suffered to remain as aforesaid, and to remove the same or cause the same to be removed to any Place within the said Borough which shall be appointed for that Purpose by the said Commissioners, there to be kept and detained until the said Penalty shall be paid; and in case such Penalty and Charges shall not be paid within the Space of Seven Days next after such Seizure it shall be lawful for the said Commissioners to cause the same Articles to be sold for defraying the Penalty and Charges; and the Overplus, if any, of the Money arising from such Sale, after deducting the said Penalty and Charges, shall be returned, on Demand, to the Owner or Owners of the aforesaid Articles.

LIII. And be it further enacted, That if any Person or Persons shall, upon any of the Footways or Foot Pavements in any of the said Streets, Lanes, Passages, or Places in the said Borough and Tithing, run, draw, drive, drag, or carry any Truck, Wheel, Sledge, Wheelbarrow, Handbarrow, Bier, or other Carriage whatsoever, or any Ladder, Timber, Iron, or Stone, or roll any Cask or Tub, or wilfully drive any Cart or Carriage whatsoever, or ride, lead, or drive, or wilfully permit or suffer to be rode, led, or driven, any Horse or other Beast or Cattle; or shall tie or fasten any Horse or other Beast across any of the said Footways or Foot Pavements, or thereon, without the Consent of the said Commissioners, fix or raise any Stall, Shed, or Standing, or place or expose to Sale any Goods, Wares, or Merchandize (except on Fair Days and Market Days, and the Days on which the Assizes for the said County of *Dorset* are held), or fix or use any Block or Working Place, or place the same respectively, without such Consent as aforesaid, so as in any Manner to obstruct the passing thereon; or leave open after Sunset the Door or Window of any Area, Cellar, or underground Room or Apartment, without having placed or left a sufficient Light therein to warn and prevent Persons from falling into such Areas, Cellars, or underground Rooms or Apartments, or during the Night shall not well and sufficiently fasten the same; or do or cause to be done any Injury or Damage or Nuisance in or to any public Walk or Walks, or Footpaths or Causeways, or to any Trees, Plantations, Shrubs, Hedges, Posts, Rails, or Fences in, upon, or near to the same; or if any Person or Persons shall, in any Street, Lane, Passage, or Place in the said Borough and Tithing, burn any Cork, or hoop, fire, cleanse, wash, scour, or scald any Cask or Tub, or hew, saw, bore, or cut any Stone, Wood, or Timber, or make or repair any Coach, Chaise, Waggon, or other Carriage (except such as may want immediate Repair from any sudden Accident on the Spot); or set up, put, or place any Blind, Shade, or Awning so as to cause any Obstruction or Impediment in the Footway or Pavement; or shoe, bleed, farry, or kill any Horse or other Beast or Cattle (except in case of Accident), or clean, dress, or exercise, drive or turn loose, any Horse or other Beast, or exhibit or expose any Stallion, or turn loose or suffer to stray any Horse, Mule, Ass, or Cattle, or Pig or other Beast; or expose for Sale (except upon the usual Market Days and Fair Days) any Horse or other Beast or Cattle; or kill or slaughter,

For preventing Nuisances in the Streets.

slaughter, or scald, singe, dress, or cut up, any Animal, wholly or in part, or cause or permit any Blood or noisome or offensive Fluid to run or flow from any Slaughter House, Butcher's Shop, Shambles, or other Place, or any Soap Suds or noisome or offensive Fluid to run or flow into the said Streets, Lanes, Highways, or Places, or throw out of any Door, Window, or other Place into or upon any of the said Streets, Lanes, Passages, or Places any Water, Filth, or noisome or offensive Matter or Thing; or stop up or impede the Course or Passage of any Common Sewer, Drain, Ditch, or Watercourse, or carry, empty, convey, or discharge, or permit or suffer to be carried, emptied, conveyed, or discharged therein, any Filth, Rubbish, or noisome or offensive Matter or Thing; or, in any of the said Streets, Lanes, public Passages or Places, slack or sift or skreen any Lime, or wet, mix, or make any Mortar; or permit or suffer any Mastiff or Bull Dog, or any other dangerous Animal, to go at large without being safely or securely muzzled, or suffer or permit any Dog whatever to go at large after any public Notice given by the public Crier or Bellman, by Order of any Justice or Justices of the Peace, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of any Hydrophobia or Canine Madness; or therein ride in any Cart, Waggon, or other Carriage without holding the Reins for the Guidance thereof in his or her Hands, or not keep his or her Left Side of the Street, Road, or Way, or not readily and promptly turn out of the Road or Way on meeting any Horses or Carriages so as to leave proper and sufficient Quarter for such Horses and Carriages, or needlessly obstruct the Passage so as not to leave proper and sufficient Room for other Horses and Carriages; or ride any Horse or Beast furiously, or drive any Sort of Carriage whatsoever furiously, so as to endanger, or excite a reasonable Apprehension of Danger, to the Life or Limb of any other Person, or do any Injury to public or private Property thereby; or drag or cause to be dragged any Timber, Stone, or other heavy Substance otherwise than on Wheels or Wheel Carriages, or suffer any Timber, Stone, or other heavy Substance which shall be carried principally or in part on Wheel or in Wheel Carriages to drag or trail upon the Street, Pavement, or Way, to the Prejudice thereof; or fire any Blunderbuss, Musket, Gun, Pistol, or other Fire-arms (except in case of Necessity), or make or cause to be made, or assist in the making, of any Bonfire or Fires, or let off any Firework; or play at Foot Ball, Fives, Cricket, or any other Game or Games in any of the said Streets; or draw, write, or inscribe, with Chalk or any other Material, any obscene or indecent Words, Sentences, or Pictures upon or against any Dwelling House or other Building, or against any other Place within the said Borough and Tithing; or shall commit or permit any other Kind of Obstruction or Annoyance in or upon any Street, Lane, or Highway, or any other Passage or Place within the said Borough or Tithing; every Person so offending in any or either of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for the said Commissioners, or any Officer appointed by virtue of this Act, or for any Constable or Peace Officer, to seize and apprehend any Person committing any such Offence, or any of the Nuisances herein-before mentioned, without any other Warrant or Authority than this Act, and to convey the Offender before any Justice of the Peace, to be dealt with according to the Provisions of this Act, and also to take away and remove any of the before-mentioned Obstructions in case the Party  
occasioning

occasioning the same shall not forthwith remove the same within a reasonable Time after being required so to do by any Person or Persons whomsoever.

LIV. And be it further enacted, That nothing herein contained shall extend, or be deemed or construed to extend, to hinder or prevent any Person from erecting or building any Hoard or Inclosure either within or without the Area of his or her House, Wall, or Building, for the Purpose of making Mortar, or laying down Bricks or Stones, or making or working up any Lime, Sand, or other Materials, or for making, building, altering, or repairing any House, Wall, or other Building, or to subject him or her to any Penalty on account thereof, or for or on account of any Building, Materials, Rubbish, or Dirt being in or upon any of the said Streets, Lanes, or other public Passages and Places before or near the House or Building of such Person, occasioned by the building or pulling down, altering or repairing of such House or Building, so as there be convenient Room left for Carriages to pass, and a sufficient Way kept clear for Foot Passengers: Provided always, that the Owner or Occupier of such House or Building do and shall within One Month next after such House or Building shall be covered in cause such Hoard or Inclosure as aforesaid to be placed in such Manner as to leave One Half of the Width of the Flagging or Pavement on the Outside for the Convenience of Foot Passengers, and do and shall cause such Hoard or Inclosure, and such Materials, Rubbish, and Dirt, to be removed out of the said Streets, Lanes, 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 in case any Person or Persons shall neglect or refuse to remove such Hoard or Inclosure, Materials, Rubbish, and Dirt, within a reasonable Time after such building, repairing, or pulling down as aforesaid, every Person making such Default shall forfeit and pay any Sum not exceeding Forty Shillings.

Inclosures may be erected during the building or repairing of Houses.

LV. And be it further enacted, That no Person shall empty or begin to empty any Privy, or take or carry away any Night Soil, or bring or place any Carts for removing the same from any House, Building, or Place already or hereafter to be erected, built, or made in the said Borough or Tithing, before the Hour of Ten in the Night, or 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 Borough and Tithing; and if any Person shall offend herein he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Regulations as to Night Soil.

LVI. And for the more speedy and effectual raising of Money for the Purposes of this Act, be it further enacted, That it shall and may be lawful for the said Commissioners and they are hereby empowered, from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they shall judge necessary upon the Credit of the Rates or Assessments to be made or collected by virtue of this Act, and by Writing under the

Commissioners may borrow Money.

[*Local.*]

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Hands

Hands and Seals of any Five or more of the said Commissioners to mortgage and assign over the said Rates and Assessments, or any Part thereof, to the Person or Persons who shall advance or lend such Money, or his, her, or their Trustee or Trustees, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same; and every such Mortgage or Assignment may be according to the Form following; (that is to say,)

Form of Mortgage.

‘ BY virtue of an Act passed in the Fourth Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], we, Five of the Commissioners appointed by or by virtue of the said Act, in consideration of the Sum of paid to us by *A.B.* [*insert the Name, Place of Abode, and Addition of the Lender,*] for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, [*or to his Trustee or Trustees, as the Case may require,*] such Proportion of the Rates or Assessments arising by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates or Assessments; to be had and holden from this Day until the said Sum of with Interest at *per Centum per Annum* for the same, shall be fully paid and satisfied. In witness whereof we have hereunto set our Hands and Seals this Day of in the Year of our Lord

And every such Mortgage or Assignment shall be good, valid, and effectual in the Law.

Power of transferring Securities.

LVII. And be it further enacted, That it shall and may be lawful for the Persons entitled to any of the Securities for the Money to be borrowed as aforesaid, or their Executors, Administrators, or Assigns, as the Case may be, by Writing under their Hands and Seals to transfer such Securities to any Person or Persons whomsoever; which Transfer may be in the Words or to the Effect following:

Form of Transfer.

‘ I *A. B.*, being entitled to the Sum of secured to *C. D.* and his Assigns, [*or his Executors, Administrators, or Assigns, as the Case may be,*] by virtue of an Assignment bearing Date the Day of under the Hands and Seals of of the Commissioners acting in the Execution of an Act made in the Fourth Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], upon the Credit of the Rates and Assessments granted or payable by the said Act, do hereby transfer all my Right and Title in and to the same Sum, and all Interest and other Money now due and owing thereon, unto *E. F.*, his Executors, Administrators, and Assigns. Dated the Day of in the Year of our Lord

Entries to be made of Securities.

LVIII. And be it further enacted, That Entries and Memorials of all Mortgages or Assignments to be made in pursuance of this Act, and of all Transfers thereof, expressing in Words at Length the Names, Additions, and Places of Abode, and other Descriptions of all such Persons as shall from Time to Time be entitled to the Principal Money and Interest shall be entered in a Book to be kept for that Purpose by the Clerk to the said

Commissioners, to which Book any Person interested shall at all Times have Access, and shall at all Times have free Liberty to inspect the same without Fee or Reward; and for the Entry of every such Transfer and Assignment the said Clerk shall be paid Two Shillings and Sixpence, and no more; and every such Transfer and Assignment, after such Entry thereof as aforesaid, shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, or Assigns; to the Benefit of the Security or Grant thereby transferred; and all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments equally one with another, without any Preference in respect of the Priority of advancing such Monies, or the Dates of any such Mortgages or Assignments respectively.

No Priority  
of Securities.

LIX. And be it further enacted, That all Money to arise by or from the said Rates or Assessments hereby granted, and all Money to be levied or received from Time to Time by virtue of this Act, (except the Tolls or Duties herein-after particularly specified and directed to be raised and levied, the Application of which is herein-after particularly provided for,) and all the Money which may be borrowed upon the Credit thereof, shall be paid to the Treasurer to the said Commissioners, or to such Person or Persons as they shall appoint, and shall be applied and disposed of, in the first place, in paying and defraying the Charges and Expences which shall have been incurred in or shall be incident to and attending the soliciting, obtaining, and passing of this Act, and of the Interest of the Money which shall have been advanced for defraying such Charges and Expences; in the next place, in paying the Interest of all Monies due and owing at the Commencement of this Act on the Credit of the said recited Act, and the Interest of all Monies which may become due and owing on the Credit of this Act; and, in the next place, in defraying the Costs, Charges, and Expences of paving, cleansing, lighting, watching, and watering the several Streets, Lanes, Roads, and other public Passages and Places in the said Borough and Tithing, and otherwise improving the same in manner hereby directed, and of carrying the several other Purposes of this Act into full and complete Execution; and afterwards in paying the Principal of all Monies due and owing at the Commencement of this Act on the Credit of the said recited Act, and the Principal of all Monies which may hereafter become due and owing on the Credit of this Act, and for no other Use, Intent, or Purpose whatsoever.

Application  
of Money to  
be raised and  
borrowed by  
virtue of the  
Act.

LX. And whereas the Sum of One thousand five hundred Pounds hath heretofore been borrowed upon the Credit of the Tolls and Duties and the Rates and Assessments directed to be raised and levied by the said recited Act, which Sum still remains due and owing thereon, and it is considered just and expedient that the said Tolls and Duties should be continued until the said Debt is fully paid off and discharged; be it therefore further enacted, That the said Commissioners shall and may continue and cause to be continued as the same are now erected, or erect or cause to be erected, One or more Gate or Gates, Stop-gates, or Chains at all and every the Avenues leading to and from the said Borough of *Dorchester* and Tithing of *Colliton Row*, or within Twenty Yards thereof, or across any of the Streets, Lanes, or public Passages in the Borough of *Dorchester*

Commis-  
sioners may  
continue Toll  
Gates.

and

and Tithing of *Colliton Row* aforesaid, as to them the said Commissioners shall seem most proper, and also Toll Houses to the said Gates, Stop-gates, or Chains respectively, and shall demand and take at all and every such Gates, Stop-gates, or Chains the following Tolls or Duties on every *Sunday* in the Year, and on the Four *Dorchester* Fair Days in each Year, before any Cattle or Carriage shall be permitted to pass through the same; (that is to say,)

Tolls.

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Chaise Marine, Calash, Vis-a-vis, Curricule, Chair, or Hearse, the Sum of Three-pence :

For every Horse, Yoke of Oxen, or other Beast, drawing any Caravan, Waggon, Wain, Car, Cart, Dray, or other Carriage, the Sum of Three-pence :

For every Horse, Mule, Ass, or other Beast of Burthen, laden or unladen, and not drawing, the Sum of One Penny :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten-pence *per* Score, and so in proportion for any greater or less Number :

And for every Drove of Sheep, Calves, or Hogs, the Sum of Five-pence *per* Score, and so in proportion for any greater or less Number :

Which said respective Sums of Money shall be demanded and taken on each and every *Sunday* and Fair Day throughout the Year, to be computed from Twelve of the Clock in each *Saturday* Night, and the Night previous to each Fair Day, to Twelve of the Clock in the next Night following; and the Money so to be raised and collected shall be and is hereby vested in the said Commissioners; and the same and every Part thereof shall be paid, applied, disposed of, and assigned to and for the Uses, Intents, and Purposes, and in such Manner, as is herein-after mentioned.

Tolls to be paid but once at the same Gate on the same Day.

LXI. Provided always, and be it further enacted, That if the Tolls by this Act granted for the passing of any Horse, Cattle, or Carriage through any of the said Gates, Stop-gates, or Chains hereby authorized to be continued shall have been paid, such Horse, Cattle, or Carriage shall, upon a Note or Ticket of the Day, denoting such Payment, being produced, be permitted to pass and repass through the same Gate, Stop-gate, or Chain Toll-free at any Time or Times during the same Day to be computed as aforesaid; which said Note or Ticket the Collectors of the said Tolls are hereby required to give *gratis*, if demanded, on Receipt of such Tolls.

Stage Coaches, &c. to pay every Time of passing.

LXII. And be it further enacted, That the Tolls hereby made payable for and in respect of Horses or other Beasts drawing any Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Pay, Hire, or Reward, shall be payable and paid every Time of passing or repassing through the said Toll Gate: Provided nevertheless, that no further or additional Tolls shall be payable in respect of the Horses or other Beasts drawing any such Stage Coach, Diligence, Van, Caravan, or Stage Waggon, or other Stage Carriage, on account only of the Horses drawing the same having been changed.

Post Chaises on every new Hiring.

LXIII. And be it further enacted, That the Tolls hereby made payable for and in respect of Horses or other Beasts drawing any Post Chaise or other



other Carriage shall be payable and paid every Time of passing and repassing through any of the said Toll Gates whenever any new or fresh Hiring thereof shall take place.

LXIV. And whereas an Act was passed in the Third Year of the Reign of His late Majesty, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled *An Act to amend the Acts for regulating Turnpike Roads in England*: And whereas another Act was passed in the Ninth Year of the Reign of His late Majesty, intituled *An Act to amend the Acts for regulating Turnpike Roads*: Be it enacted, That all and every the Powers, Provisions, Penalties, Forfeitures, Exemptions, Matters, and Things contained in the said recited Acts, so far as the same are applicable to the Payment of Tolls, the Collection and Recovery thereof, and the Exemptions therefrom, shall be and the same are hereby extended to this Act, and to the Tolls hereby imposed, in as full and ample a Manner to all Intents and Purposes as if they had been inserted in this Act and made Part hereof.

Powers of  
3 G. 4. c 126.  
4 G. 4. c 95.  
7 & 8 G. 4.  
c 24. and  
9 G. 4. c 77.  
extended to  
the Tolls  
hereby im-  
posed.

LXV. And be it further enacted, That a separate and distinct Account shall be kept of all Sums of Money collected and received at or arising from the Toll Gates, Stop-gates, or Chains hereby authorized to be continued, and the same shall be applied in defraying the Expences attending the Collection thereof, in paying the Interest of the said Sum of One thousand five hundred Pounds, and from Time to Time in paying off the Principal of the said Sum whenever a Balance of One hundred Pounds shall be in the Hands of the Treasurer to the said Commissioners, and for no other Purpose whatsoever; and when and as soon as the said Sum of One thousand five hundred Pounds, with Interest thereon, shall have been fully paid off and satisfied, the said Tolls shall cease and determine, and be no longer payable.

Application  
of Tolls.

LXVI. And whereas the several Sheep Fairs annually held in the Streets and public Passages of the said Town of *Dorchester* on the Fourteenth Day of *February*, on *Trinity Monday*, on the Sixth Day of *July*, and on the Sixth Day of *August*, tend, not only to the Annoyance of the Inhabitants of the said Town, but to the great Inconvenience of Travellers and Foot Passengers, and it is therefore expedient that the same should be removed, and also that the Fair usually held on *Trinity Monday* should be in future held on the Twenty-fifth Day of *October* in every Year; be it therefore further enacted, That it shall and may be lawful for the Owners and Proprietors of the said Fairs who are entitled to the Tolls thereof, and they are hereby empowered, to keep and hold the same, and to appoint the same to be kept and held, in such fit and convenient Place or Places within the adjoining Parish of *Fordington* in the said County of *Dorset* as they shall procure for that Purpose, and also to change and alter the Time of holding the said Fair now annually held on *Trinity Monday*, and hold the

For the Re-  
moval of the  
Sheep Fairs,  
&c.

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same

same and appoint the same to be held on the Twenty-fifth Day of *October* in every Year, unless such Day shall fall on a *Sunday*, and then and in such Case upon the next or succeeding Day; and from and after a Notice of such Removal and Alteration shall have been given Three Times by Advertisement in the "*Dorset County Chronicle*," or in some other Newspaper or Newspapers published or circulated in the said County of *Dorset*, the said Fairs shall no longer be held in the said Streets and public Passages, but shall be held in the Place so to be appointed for such Purpose by the Owners and Proprietors of such Fairs, in such and the like Manner, and subject and liable to the same Regulations, Controul, and Jurisdiction, and to the Payment to such Owners and Proprietors of such and the like Tolls, as if the same were continued to be held within the said Town of *Dorchester*, and that the said Fair now annually held on *Trinity Monday* shall, from and after such Notice as aforesaid, be held on the Twenty-fifth Day of *October* in every Year, unless such Day shall fall on a *Sunday*, and then and in that Case upon the next or succeeding Day.

Recovery  
and Appli-  
cation of Pe-  
nalties.

LXVII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not herein otherwise particularly directed) may, in case of Non-payment thereof, be recovered in a summary Way by the Order and Adjudication of some Justice or Justices of the Peace having Jurisdiction, on Complaint for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures not directed to be otherwise applied shall be paid, one Moiety to the Informer, and the Remainder to the said Commissioners; and in case such Penalties or Forfeitures shall not be forthwith paid it shall be lawful for such Justice or Justices, and he or they is and are hereby required, to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justice or Justices of the Peace for his Appearance at such Time as shall be appointed for the Return of such Warrant of Distress (such Time being not more than Ten Days from the taking of such Security), and which Security any such Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of any such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Penalties or Forfeitures, and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice or Justices, upon the Confession of the Offender or otherwise, that he has not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justice or Justices shall not be required to issue such Warrant of Distress, but he or they is and are hereby required, by Warrant under his Hand and Seal or their Hands and Seals, to commit such Offender to some

Common Gaol or House of Correction for the County of *Dorset*, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or until such Offender shall otherwise be discharged by due Course of Law.

LXVIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act it shall be lawful for such Justice to summon before him the Party complained against, 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 in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing or in Print, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

Justices may proceed by Summons in the Recovery of Penalties.

LXIX. 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 any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on behalf of the Party or Parties who shall have committed any Act, Irregularity, Trespass, or wrongful Proceedings before such Action brought; and in case no such Tender shall have been made it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall be brought, at any Time before Issue joined, to pay such Money into Court as he or they shall see fit, whereupon such Proceedings, Orders, and Judgments shall be had, made, or given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Distress not unlawful for Want of Form.

LXX. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Rate or Rates, Assessment or Assessments, made in pursuance of this Act, such Person or Persons shall apply for Relief to the said Commissioners at their then next Meeting to be held; and the said Commissioners are hereby authorized and empowered to grant or refuse Relief to the Person or Persons appealing or not, and make such Order therein as to them shall seem meet; and if any Person or Persons shall think himself or herself aggrieved by any thing

Power of Appeal to the Quarter Sessions for the County.

thing done in pursuance of this Act, such Person or Persons, iny an or either of the said Cases, may appeal to the Justices of the Peace at the then next General Quarter Sessions of the Peace to be held in and for the said County of *Dorset* within Six Calendar Months after the Determination of the said Commissioners, or Cause of Complaint shall have arisen, such Appellant first giving Eight Days Notice in Writing at least of his or her Intention to bring such Appeal and of the Matter thereof to the Clerk of the said Commissioners, and within Three Days after such Notice entering into a Recognizance before a Justice of the Peace of the said County or Place, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order of such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given and Recognizance entered into, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Parties appealing and appealed against as the said Justices shall think proper; and the Determination of such Quarter Sessions shall be binding and conclusive to all Intents and Purposes.

Justices may relieve on Appeal without quashing the whole Rate.

LXXI. Provided always, and be it further enacted, That in any Appeal from the said Rates or Assessments or any of them the Justices at the General or Quarter Sessions to be holden for the said County, or at any Adjournment thereof, shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rates or Assessments with respect to other Persons mentioned therein; but if upon Appeal against the whole Rate or Assessment it shall be found necessary to set aside the same, then and in every such Case it shall and may be lawful to and for the said Justices to order a new Rate or Assessment to be made in manner herein directed.

Proceedings not to be quashed for Want of Form.

LXXII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form, or be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

Form of Conviction.

LXXIII. 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 and may cause the Conviction to be drawn up according to the Form or to the Effect following; (that is to say,)

‘ to wit. } **BE** it remembered, That on the \_\_\_\_\_ Day of  
 ‘ is convicted before \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_  
 ‘ Peace for the \_\_\_\_\_ of His Majesty's Justices of the  
 ‘ or Omission, and the Time and Place when and where committed, 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.’

LXXIV. And

LXXIV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act until Twenty-eight Days Notice shall be thereof given in Writing to the Clerk to the said Commissioners, or after Six Months after the Fact committed for which such Action or Actions, Suit or Suits, shall be so brought; and every such Action shall be brought, laid, and tried in the said County of *Dorset*; and that the Defendant or Defendants in every such Action and Actions, Suit and Suits, may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance of and by the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, or it shall appear that such Action or Actions, Suit or Suits, was or were brought before Twenty-eight Days Notice thereof given as aforesaid, or if any such Action or Actions, Suit or Suits, shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions, and Judgment shall be given for the Defendant or Defendants therein, then in either of the Cases aforesaid such Defendant or Defendants shall have full Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in any other Cases by Law.

Limitation  
of Actions.

General Issue.

LXXV. And be it further enacted, That it shall not be lawful for the Trustees or Commissioners of any Turnpike Road to lay out or expend any Money arising by virtue of any Act relating to such Turnpike Road in or for or towards paving, repairing, improving, lighting, cleansing, or watching any of the Streets or public Places within the said Borough or Tithing, or to erect or continue any Toll Gate or Turnpike, or to take any Tolls within the same.

Money arising from  
Turnpikes  
not to be  
laid out in  
the Repair  
of Streets.

LXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend in any way to change, lessen, abridge, impeach, annul, or destroy any Rights, Privileges, Jurisdictions, Immunities, or lawful Customs granted or confirmed by Charter to the Mayor, Bailiffs, Aldermen, and Burgesses of the said Borough of *Dorchester*.

Saving the  
Rights of the  
Mayor and  
Corporation.

LXXVII. Provided also, and be it further enacted, That nothing in this Act contained shall extend in any way to vary, lessen, or impeach any Rights, Privileges, or Franchises claimed or enjoyed by the Inhabitants of the said Borough of *Dorchester* and Tithing of *Colliton Row* respectively, but that the same shall and may be claimed and enjoyed by the Inhabitants of the said Borough and Tithing respectively as fully and effectually as they could have been claimed or enjoyed by the said Inhabitants in case this Act had not been made.

Saving the  
Rights of the  
Inhabitants  
of *Dorches-*  
*ter*.

[Local.]

4 M—N

LXXVIII. And

Public Act.

LXXVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judically taken notice of as such by all Judges, Justices, and others.

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