



ANNO QUINTO

GULIELMI IV. REGIS.

Cap. i.

An Act for the Improvement of the High Street in
the Borough of *Ledbury* in the County of *Here-*
ford. [13th April 1835.]

WHEREAS the Borough of *Ledbury* in the County of *Hereford* is large and populous, and a Place of considerable Resort, and the Town or High Street within the said Borough is the usual Thoroughfare between the Cities of *Hereford* and *Worcester*, and many Towns, Villages, and Places situate within the said County and the Counties adjoining: And whereas there formerly existed in or near the Centre of the said Town or High Street certain Houses, Buildings, and Erections, Fifteen in Number, called the *Butcher Row*, and also a Weighing Machine and Machine House, which greatly impeded the Thoroughfare along the said Street, and were prejudicial to the Health of the Inhabitants of the said Borough, from the Practice that existed of slaughtering Animals in the Shops of the said Row, and the said Buildings were also dangerous to Carriages, Horses, and Cattle passing along the said Town or High Street: And whereas, since the Year One thousand eight hundred and twenty, a Subscription has been entered into for effecting the Removal of the said *Butcher Row*, and also of the said Weighing Machine and Machine House, and the laying of the Site of the Land or Ground cleared by such Removal into the public Highway, and in pursuance thereof Eight of such Houses, Buildings, and Erections have been taken down and removed, and the Sites thereof cleared: And whereas the taking down and Removal of the Remainder of such Houses, Buildings, and Erections, and also of such Weighing Machine and Machine House, will be attended with great Benefit and Advantage to the several Persons residing within

[Local.]

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and

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and in the Vicinity of the said Borough, and to all Persons resorting to or passing through the same, and will also be of great public Utility; but in consequence of legal Difficulties that exist in purchasing the same Premises, and of raising the requisite Funds for that Purpose, the same 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 *John Biddulph, Alfred Allgood, Edwin Allgood, Thomas Ballard, Robert Ballard, Philip Baylis, Thomas Baylis, Joseph Robert Baylis, Charles Asprey Beddoe, Thomas Bosley, John Burden, William Butt, William Henry Brydges, Charles Cooke, John Edy, James Gregg the elder, Sidney Gregg, James Grundy, Joseph Allen Higgins, Robert Higgins, James Holbrook, John Hollins, Robert Jones, Simon Merrick, Congreve Selwyn, George Sexty, John Smith, Henry Smith, Timothy Spencer, John Tanner, Thomas Taylor, Luke Taylor, James Dando Treherne, James Watts Clerk, Thomas Webb, Richard Cropper Williams, Thomas Woodward,* and their Successors, to be elected and appointed in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for carrying this Act into execution, and such Commissioners shall be called and known by the Name of "The Commissioners for the Removal of the *Butcher Row* in the Borough of *Ledbury*".

Commis-
sioners.

On the Death,
&c. of Com-
missioners,
others to be
chosen.

II. And be it further enacted, That when any of the Commissioners herein named or hereafter to be elected shall die, or be or become disqualified, or shall for the Space of Three Calendar Months refuse or neglect to act, such Death, Disqualification, Refusal, or Neglect being declared by and at a Meeting of the said Commissioners, then and in every such Case the surviving or remaining Commissioners assembled at any Meeting to be held or called under or by virtue of this Act shall nominate, elect, and appoint fit Persons, qualified as herein-after mentioned, to be Commissioners in the Room or Stead of the Commissioners so dying, or being or becoming disqualified, or refusing or neglecting to act as aforesaid; and every Person so to be elected and appointed a Commissioner is hereby vested with the same Powers for putting this Act into execution as if he had been expressly named and appointed a Commissioner in and by this Act.

Qualification
of Commis-
sioners.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall be an Owner or Occupier of Lands, Tenements, or Hereditaments within the said Borough, and shall really and *bond fide* in his own Right, or in the Right of his Wife, be seised or possessed of Real Estate of the clear annual Value of Thirty Pounds, or be the Tenant or Occupier of Lands, Tenements, or Hereditaments within the said Borough of the clear annual Value of Twenty Pounds, nor shall any Person be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath herein-after mentioned), until he shall have taken and subscribed, before One or more of the said Commissioners (who is and are hereby empowered to administer the same), an Oath in the Words or to the Effect following; (that is to say,)

Oath.

I do swear, That I will faithfully and impar-
tially, according to the best of my Skill and Judgment, execute and
perform

perform all and every the Powers and Authorities vested and reposed in me as a Commissioner by virtue of an Act passed in the Year of the Reign of His Majesty King *William* the Fourth, intituled [here insert the Title of this Act]. So help me GOD.

And an Entry or Memorandum shall be made in the Book of the Proceedings of the Commissioners of the taking or making and subscribing of such Oath, and of the Date of administering the same.

IV. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act who shall be or become bankrupt or insolvent, or who shall accept or hold any Place of Profit, or have any Share or Interest, either directly or indirectly, in any Bargain or Contract under this Act, or who shall sell Ale, Beer, Wine, or Spirituous Liquors by Retail; and no Person during the Time he shall be such Commissioner shall be capable of taking or entering into any such Bargain or Contract, nor shall any Commissioner act in any Matter in which he shall be personally interested: Provided always, that no such Disqualification as aforesaid shall extend to prevent any Person from acting as a Commissioner in the Execution of this Act by reason of his being a Creditor on the Rates and Assessments to be raised and levied under this Act: Provided also, that it shall be lawful for such of the said Commissioners as are or shall be Justices of the Peace to act as such in the Execution of this Act, notwithstanding their being Commissioners, except in Cases where they shall be personally interested.

Disquali-
fication of
Commis-
sioners.

V. And be it further enacted, That if any Person not being qualified as aforesaid, or having ceased to be qualified according to the Directions of this Act, or not having taken and subscribed the Oath herein-before mentioned, or being disqualified by any of the Causes aforesaid, shall, with Knowledge of his Disqualification, act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person 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, Plaint, Suit, or Information; and every Person so sued or prosecuted shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act, with Knowledge of his Disqualification: Provided always, that all Acts and Proceedings of any Person acting as a Commissioner in the Execution of this Act, though not duly qualified, done previously to his being so convicted, shall be as valid and effectual as if such Person had been duly qualified as aforesaid.

Penalty for
Commis-
sioners acting
when not
qualified.

VI. And be it further enacted, That the said Commissioners may sue and be sued for or concerning any thing which shall be done by virtue or in pursuance of this Act, or for or concerning any Matter or Thing relating or incidental to the obtaining and passing of this Act, in the Name of their Clerk for the Time being, or in the Name of any One of the said Commissioners; and no Action or Suit to be so brought or commenced by or against the said Clerk or Commissioner shall abate or be

Commis-
sioners may
sue and be
sued in the
Name of
their Clerk
or of one of
the Commis-
sioners.

[Local.]

B

discontinued

Clerk or
Commissioner to be
a competent
Witness.

discontinued by his Death, Removal, or Default, but shall be continued and carried on in his Name, and such Clerk or Commissioner shall be deemed Plaintiff or Defendant in such Action or Suit (as the Case may require): Provided that any such Clerk or Commissioner in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall not, by reason of his being such Clerk or Commissioner, be rendered incompetent or inadmissible as a Witness in any such Action or Suit as aforesaid, unless such Clerk or Commissioner shall be otherwise personally or individually interested or concerned therein.

Commissioners not
personally
liable.

VII. And be it further enacted, That nothing in this Act, or in any Deed, Mortgage, Contract, or Agreement hereby authorized to be entered into or made by or on the Behalf of the said Commissioners for any of the Purposes or in the Execution of this Act, shall extend to charge or affect the Person of any of the said Commissioners, or their Clerk, Treasurer, or other Officer, or any of them, authorized by the said Commissioners in their Behalf, executing any such Deed, Mortgage, Contract, or Agreement, or the Heirs, Executors, or Administrators of any such Commissioner, Clerk, Treasurer, or Officer, or their or any of their own proper Lands, Tenements, or Hereditaments, Goods, Chattels, Effects, or Property, with or for the Performance of all or any of the Covenants, Conditions, Matters, or Things in the same Deed, Mortgage, Contract, or Agreement contained or mentioned on the Part of any such Commissioner, Clerk, Treasurer, or other Officer; but the Amount of all Damages, Costs, Charges, and Expences which shall or may be recovered in any Action or Suit at Law or in Equity, or otherwise, against any such Commissioner, Clerk, Treasurer, or other Officer, or against their or any of their Heirs, Executors, or Administrators, for or by reason of such Deed, Mortgage, Contract, or Agreement, or any Matter or Thing therein contained, and also all the Damages, Costs, Charges, and Expences which any such Commissioner, Clerk, Treasurer, or other Officer shall bear, pay, or be put unto, or which shall be occasioned to him for or by reason of any such Deed, Mortgage, Contract, or Agreement, or any Matter or Thing therein contained, or any Action or Suit, Award, or otherwise, to be brought, prosecuted, or made by or against him thereupon, shall be paid, satisfied, and discharged out of the Monies to arise by virtue of this Act, unless such Action or Suit, Matter or Thing, shall arise in consequence of his own wilful Neglect or Default, or have been brought or commenced or be defended without the Order or Direction of the said Commissioners.

Meetings and
Adjourn-
ments.

VIII. And be it further enacted, That the said Commissioners shall meet at some convenient House or Place in the said Borough on the Fourth *Monday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten and Twelve of the Clock in the Forenoon, in order to put this Act into execution; and it shall be lawful for the Commissioners present at any Meeting appointed to be held for the Execution of this Act from Time to Time to adjourn the same to be holden at any future Day and Time at any House or Place within the said Borough; and in case the said Commissioners present at any Meeting shall omit to adjourn the same, or in case there shall not be a sufficient Number of Commissioners present for that Purpose, then and
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in every such Case the Clerk of the said Commissioners may adjourn the same Meeting, in the same Manner as the Commissioners might have adjourned the same, or it shall be lawful for any Five of the said Commissioners, although not assembled at a Meeting, or for their Clerk, on an Order signed by Five or more of them, to call a Meeting of the said Commissioners at some convenient Place within the said Borough, to transact general Business; such Meeting to be called by Notices in Writing under the Hand of such Clerk or such Five Commissioners, directed to the Commissioners or, the other Commissioners, as the Case may be, at their then or last respective Places of Abode, and sent by the Post or otherwise, and such Meeting to be held not sooner than Five and not exceeding Fourteen Days from the Day of sending such Notices.

IX. And be it further enacted, That notwithstanding any Adjournment or Non-adjournment of any previous Meeting of the said Commissioners it shall be lawful for any Five or more of the said Commissioners, although not assembled at a Meeting, or for their Clerk, on an Order signed by Five or more of them, from Time to Time and at any Time, by Notices in Writing under their or his Hands or Hand, to be directed to the said Commissioners or the other Commissioners, as the Case may be, at their then or last respective Places of Abode, and sent by the Post or otherwise, to convene and appoint a Special Meeting of the Commissioners for proceeding in the Execution of this Act, to be held at any Time and in any convenient Place within the said Borough, to be specified in such Notices, such Time not being less than Three Days after the sending of such Notices: Provided always, that no other Business shall be transacted at any such Special Meeting as aforesaid than what shall have been specified in such Notices as being the Purport for which such Meeting shall be called.

Meetings on
Emergencies.

X. And be it further enacted, That all the Powers and Authorities by this Act granted to or vested in the said Commissioners shall and may from Time to Time be exercised by the major Part of them present at any Meeting to be held in pursuance of this Act, the Number present at any such Meeting not being less than Three (except in Cases where by this Act a greater Number is required), and all the Acts, Orders, and Proceedings of the major Part of any such Three or more Commissioners present at such Meetings shall have the same Force and Effect as if the same were made or done by all the Commissioners for the Time being; and at every such Meeting of the said Commissioners One of the Commissioners present shall be appointed Chairman, and in case of an equal Division of Votes of the Commissioners at any Meeting to be held under this Act (including the Vote of the Chairman) the Chairman presiding at such Meeting shall have the decisive or casting Vote as Chairman, although he shall have previously given his Vote; and no Act of the said Commissioners in the Execution of this Act shall be good or valid unless done at some Meeting to be held in pursuance of this Act (except in Cases particularly specified in this Act), and no Order made by the said Commissioners at any of their Meetings shall be revoked or altered unless at some subsequent Meeting to be held for that Purpose, of which Fourteen Days Notice in manner aforesaid shall be given in Writing to the Commissioners, expressing the Occasion of such Meeting, and unless a
greater

Regulating
Proceedings
of Commis-
sioners at
Meetings.

greater Number of Commissioners shall attend and vote at such Meeting to revoke and alter the Order than were present when the same was made; any thing contained in this Act to the contrary notwithstanding.

Proceedings
to be entered.

XI. And be it further enacted, That the said Commissioners shall cause to be provided and kept a proper Book, and fair and regular Entries to be made therein of the Names of all the Commissioners who shall attend the respective Meetings, and of all their Acts, Orders, and Proceedings relative to the Execution of this Act; and the Chairman of each Meeting of the said Commissioners shall always subscribe his Name at the End of such Proceedings of the said Commissioners; and all Entries in such Book, being signed as aforesaid, shall be deemed original, and shall be allowed to be read in Evidence in all Cases, Suits, and Actions touching any thing done in pursuance or by virtue of this Act.

Accounts to
be kept of
Receipts and
Disburse-
ments, which
shall be open
to Inspection.

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

Yearly
Meetings
for auditing
Accounts.

XIII. And be it further enacted, That a Meeting of the said Commissioners shall be held on the Third *Monday* in *January* yearly at some House or Place in the said Borough, at which the Accounts of all Monies received and paid from Time to Time by virtue or in execution of this Act, by any Person whomsoever, shall be produced and stated to and examined and settled by the said Commissioners, and the same shall within Fourteen Days afterwards be printed and published in One or more of the Newspapers published in the said County of *Hereford*.

Officers to be
appointed.

XIV. And be it further enacted, That the said Commissioners shall from Time to Time appoint and employ a Treasurer, Clerk or Clerks, and Collector, and such other Officers or Persons as and when they the said Commissioners shall think proper for carrying this Act into execution, and the said Commissioners shall and may from Time to Time remove them or any of them, and in like Manner appoint others in the Room of those removed, or who shall die, or who shall refuse or decline such Offices, or become incapable of acting therein, and out of the Monies to be raised by virtue of this Act pay such Salaries, Wages, or Allowances to the said Officers and other Persons as they the said Commissioners shall think reasonable;

reasonable; and the said Commissioners shall and they are hereby required to take such Security from every such Treasurer and Collector as they the said Commissioners shall think reasonable. Treasurer to give Security.

XV. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or any Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk to the said Commissioners for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of 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 Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person 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.

Clerk not to be Treasurer, and vice versa.

XVI. And be it further enacted, That all such Officers and Persons so to be appointed as aforesaid shall under their Hands (at such Time or Times and in such Manner as the said Commissioners shall direct) deliver to the said Commissioners, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Monies which shall have been received by such Officers and Persons respectively by virtue or for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the Vouchers and Receipts for such Payments, and shall pay all such Money as shall remain due from them respectively to the said Commissioners, or to such Person as they shall appoint; and if any such Officer or Person shall refuse or wilfully neglect to make and render any such Accounts, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or neglect to deliver to the said Commissioners or to such Person as they shall appoint, within Ten Days after being thereunto required by or on behalf of the said Commissioners by Notice in Writing to be given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give Information and Satisfaction to the said Commissioners respecting the same, then and in every such Case, upon Complaint made by the said Commissioners, or by any Person whom they shall appoint for that Purpose, of any Neglect or Refusal as aforesaid, to

Officers to account.

[Local.]

C

any

any Justice of the Peace for the County, City, Town Corporate, or Place wherein such Officer or Person so neglecting or refusing shall reside or be, such Justice may and he is hereby authorized and required to summon the Officer or Person so refusing or neglecting before him; and upon his appearing, or having been summoned by Notice given to him or left with some Inmate at his then or last known Place of Abode, 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 upon Oath, (which Oath such Justice is hereby empowered to administer,) it shall appear to such Justice that any of the Money which shall have been collected or raised by the said Commissioners by virtue of this Act shall be in the Hands of such Officer or Person, 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 or Person, and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if it shall appear to such Justice that such Officer or Person shall have refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relative to the Execution of this Act shall be in the Custody or Power of such Officer or Person, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, Town Corporate, or Place wherein such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall have compounded 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 have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, 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 Term than Six Calendar Months: Provided also, that if any Money shall remain due from such Officer or Person, the Commitment of him to Prison shall not be deemed a Discharge for the same, nor exonerate his Surety, but such Surety and the Estate and Effects of such Officer or Person shall remain liable to the Payment thereof, in the same Manner as if such Officer or Person had not been committed to Prison.

Costs of Suit
to be paid
out of Funds
raised by this
Act.

XVII. And be it further enacted, That the said Commissioners shall from Time to Time and at all Times hereafter pay, from and out of the Monies to be raised under and by virtue of this Act, all Costs, Charges, Damages, and Expences which they shall or may incur, sustain, or be put un. o for or by reason of any Action, Suit, or Proceeding which may be had, sued, commenced, or prosecuted against them or by them for any Matter or Thing which may be by them respectively legally done in and about the Execution of the Purposes of this Act.

XVIII. And

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to contract and agree, with any Body Politic, Corporate, Collegiate, or Ecclesiastical, Corporation Aggregate or Sole, Tenant in Fee Simple, or for Life or Years, or in Fee Tail, General or Special, or with any Feoffees in Trust for charitable or other Purposes, Husbands, Guardians, Committees for Idiots or Lunatics, Executors, or Administrators, or other Trustees whomsoever, not only for and on behalf of themselves and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Idiots, Lunatics, Femes Covert, or other Persons under any Disability of acting for themselves, or with any Femes Covert seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest, or with any others being the Owners or Proprietors of or otherwise interested in the Remainder of the said Houses, Buildings, and Erections in the said *Butcher Row*, and of the said Weighing Machine and Machine House, (and which are more particularly mentioned and described in the Schedule to this Act annexed,) and the Land whereon the same may respectively stand, or of any Part of such aforesaid several Premises, for the absolute Purchase of such several Premises, or any of them or any Part thereof, or of any Estate, Right, or Interest therein, which the said Commissioners shall consider proper and necessary to be purchased for the Purposes of this Act, or as shall be necessary or requisite for the due Execution hereof, and the several Powers herein contained, and to take down and remove all such Houses, Buildings, Erections, and other Premises so to be purchased, and to lay the Sites thereof, and also the Sites of the several other Houses, Erections, and Buildings in the said *Butcher Row*, which have been already taken down and removed as aforesaid, and the Land between the same respectively, into the said Town or High Street; which said several Spaces of Ground, when and so soon as the same shall be so laid, shall form for ever thereafter a Part of the public Highway, and be maintained, repaired, and kept in repair in such and the same Way and Manner as the Remainder of the Highway in the said Town or High Street is now by Law maintained, repaired, and kept in repair.

Power to purchase Buildings, &c.

XIX. And be it further enacted, That all Sales, Conveyances, and Assurances of the said Houses and other Premises, or any Estate or Interest therein, to be made to the said Commissioners, may be in the Form or to the Effect following, *mutatis mutandis*; (that is to say,)

Form of Conveyance to the Commissioners.

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

And every such Sale, Conveyance, Assignment, and Assurance so made shall be good, valid, and effectual to all Intents and Purposes whatsoever;

soever; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

Corporate
Bodies, &c.
may sell.

XX. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, Tenants in Fee Simple, or for Life or for Years, or in Fee Tail, General or Special, and all Feoffees in Trust for charitable and other Purposes, Husbands, Guardians, Committees for Lunatics and Idiots, Executors, and Administrators, and other Trustees and Persons whomsoever, not only for and on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons under any Disability of acting for themselves, and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest, and for every other Person whomsoever who is or shall be seised or possessed of such Houses and other Premises, or entitled to any Estate, Right, Title, Lien, Charge, or Interest whatsoever therein, to contract and agree with the said Commissioners for the absolute Sale thereof or of any Part thereof, and of all and every Estates, Rights, Titles, Terms, and Interests whatsoever of, in, and to the same, unto the said Commissioners for the Purposes of this Act, and to demise, convey, and assign the same respectively unto the said Commissioners; and all such Contracts, Assignments, Bargains, Sales, Conveyances, and other Assurances shall, without any Fine, Recovery, or other Assurance in the Law whatsoever, and without Enrolment or Registry, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Party so conveying, but also to convey all the Estate, Right, Title, Interest, Trust, Use, Property, Possession, Claim, and Demand whatsoever of his several Cestuique Trusts, and all Persons whomsoever claiming or having Title to claim by, from, through, or under them or any of them, and all Persons entitled in Remainder or Reversion expectant on any particular Estates; and the same shall be deemed and considered to bar all Dower of the Wife of such Party, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and of the Issue of the same Party claiming under him; any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding.

If the Parties
refuse or are
incapable to
treat, the
Value to be
settled by
the Court of
General or
Quarter
Sessions.

XXI. And be it further enacted, That if any such Person, Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, Tenants in Fee Simple, or for Life or Years, or in Fee Tail, General or Special, or Feoffees in Trust, Husbands, Guardians, Trustees, Committees, Executors, or Administrators, or other Person in anywise interested, entitled, or empowered to sell as aforesaid for and on behalf of himself or themselves, or for and on behalf of their respective Cestuique Trusts, or of the Person entitled in Remainder after them as aforesaid, shall for the Space of Thirty Days next after Notice in Writing signed by the Clerk of the said Commissioners for the Time being shall have been given to him or them, or left at the Dwelling House or usual or last Place of Abode of him or them, or of the principal or head Officer of such Bodies Politic, Corporate, Collegiate, or Ecclesiastical, or Corporation, or at the House of the Tenant in Possession of the Houses and other

Premises intended to be purchased and taken by virtue of this Act, of such Houses and other Premises being required for the Purposes of this Act, neglect or refuse to treat and agree or shall not agree for the Sale of the said Premises, or by reason of Absence or Disability shall be prevented from treating and agreeing, or cannot be found or known, or shall not produce a clear Title to the Hereditaments they are in Possession of or the Interest they claim therein to the Satisfaction of the said Commissioners, then and in every such Case the said Commissioners, or any Three or more of them, shall and they are hereby empowered from Time to Time, on giving to the Person interested in the Matter thereof Fourteen Days Notice in Writing of their Intention so to do, to apply to the Court of General or Quarter Sessions of the Peace for the said County of *Hereford*, which said Court shall and they are hereby required to charge the Grand Jury, or the Jury appointed to try Prisoners at the said Court of General or Quarter Sessions, to inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Houses and other Premises as aforesaid, or what Damage has been or will be sustained by, and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Persons interested as aforesaid, for or on account of the taking of such Houses and other Premises for the Purposes of this Act, and shall assess separate Damages for the same to the several Parties entitled thereto, and the said Court of General or Quarter Sessions shall accordingly give Judgment for such Purchase Money or Recompence as shall be so assessed; which said Verdict and the Judgment to be thereupon pronounced as aforesaid shall be final, binding, and conclusive to all Intents and Purposes against all such Bodies Politic, Corporate, Collegiate, or Ecclesiastical, and all other Persons whomsoever, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at *Westminster*, or any other Courts; any Law or Statute to the contrary notwithstanding.

Verdict and Judgment to be conclusive.

XXII. And be it further enacted, That in any Case where the Amount of the Compensation for any Damage done or occasioned by the said Commissioners in the Exercise of any of the Powers herein contained shall be disputed, and be alleged by the Parties claiming the Compensation to amount to any Sum under Twenty Pounds, then the Amount of the Compensation for such Damage shall or may be ascertained and settled by any Two Justices of the Peace, and shall and may be levied and recovered by Warrant under the Hands and Seals of such Justices, together with such reasonable Costs and Charges as shall be awarded and allowed by such Justices, by Distress and Sale of the Goods of the Treasurer of the said Commissioners, unless such Treasurer shall pay and discharge the same, which he is hereby authorized to do, out of any Monies received or to be received by him as such Treasurer for the Purposes of this Act.

Compensation under 20l. may be determined by Justices.

XXIII. And be it further enacted, That upon Payment or legal Tender of such Sum of Money as shall have been contracted or agreed for between the Parties, or assessed by such Jury, or ascertained by such Justices, for the Purchase of any such Houses and other Premises, or as a Compensation for Damages, as herein mentioned, to the Person entitled to receive such Money, or his Agent, within Three Calendar Months after the same shall have been so agreed for, assessed, or ascertained, or

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

[Local.]

D

on

on the same being deposited in the Bank of *England* in manner by this Act directed (as the Case may be), it shall be lawful for the said Commissioners, and their Agents, Workmen, and Servants, thereupon and not before, to enter upon and take and use such Houses and other Premises respectively, and then and thereupon the same Houses and other Premises, with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person therein, shall from thenceforth be absolutely vested in the said Commissioners for the Purposes of this Act, whether such Conveyance as aforesaid shall or shall not be made; and such Payment, Tender, or Deposit shall not only bar all Right, Title, Interest, Claim, and Demand of the Person to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates, Rights, Titles, and Interests of all other Persons whomsoever therein.

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

1 G. 4. c. 35.

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

of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; or in Government or Real Securities; and in the meantime, and until such Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person who would for the Time being have been entitled to the Rents and Profits of the Houses and other Premises so hereby directed to be purchased in case such Purchase or Settlement were made.

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

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

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

When not more than 20*l.*

XXVII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of the said Houses and other Premises, or of any Estate, Right, or Interest therein, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person who shall have been in Possession of such Houses and other Premises at the Time of such Purchase, and all Persons claiming under such Person or under the Possession of such Person, shall be deemed and taken to have been lawfully entitled to such Houses and other Premises, according to such Possession, until the contrary shall be shown to the Satisfaction

Respecting disputed Titles to Money.

Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the said Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person was lawfully entitled to such Houses and other Premises, or to some Estate or Interest therein.

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

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

Power to sell Materials of Houses, &c.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, in such Manner and for such Sum of Money as they shall think proper, to sell and dispose of, or cause to be sold and disposed of, the Materials of all such Houses, Buildings, and Erections, and of the said Weighing Machine and Machine House, to be so purchased, taken down, and removed by virtue of this Act; and the Monies to be produced by the Sale thereof, and also the Rents and Profits of the said Houses, Buildings, and Erections, and of the said Weighing Machine and Machine House, until the same shall be taken down and removed, shall be applied towards the Purposes of this Act, and to and for no other Use or Purpose whatsoever.

Power to raise Money.

XXX. And for raising sufficient Money to defray and pay the Charges and Expences attending or incident to the obtaining and passing of this Act, and to defray and pay the Charges and Expences of carrying the several Powers and Purposes thereof into execution, and the Interest of the Money to be borrowed as herein-after mentioned, and for paying off and discharging the Principal thereof; be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to raise and levy from Time to Time, when and as often as they shall think necessary, such Sum of Money as they may think requisite by a Rate or Assessment to be made, assessed, charged, and levied on the Tenants or Occupiers of all Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach-houses, Counting-houses, Brewhouses, and all Buildings, Erections, Works, Lands, Tenements, Tithes, and other Hereditaments within the said Borough, according to the annual Rent or Value of the same respectively, but that such Rate or Assessment shall not exceed Five Shillings in the Pound upon such annual Rent or Value in any One Year; and the Monies to be so assessed and raised by virtue of this

this Act shall be paid by the several Tenants or Occupiers of such respective Premises to the Collector of the Rates, to be appointed as herein directed, upon such Days or Times as the said Commissioners shall order and appoint, and the Monies so collected shall be paid over by such Collector into the Hands of the Treasurer at such Times as the said Commissioners shall direct; and if any Tenant or Occupier of any of the Premises aforesaid shall neglect or refuse to pay his Proportion of any of the Rates or Assessments by this Act authorized to be made to the said Collector for the Space of Ten Days after the same shall become due and payable, and Demand made thereof, the same shall be levied and recovered on and from all and every such Tenant or Occupier so neglecting or refusing by Distress and Sale of his Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace, such Defaulter having first been 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 of the Goods and Chattels so distrained and sold, together with what shall remain unsold, after deducting all Costs, Charges, and Expences previous to and attending such Distress and Sale, such Costs, Charges, 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 such Justice or Justices to commit such Person to any Common Gaol or House of Correction within his or their Jurisdiction, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, or until Payment of such Sum of Money as shall have been found to be due and in arrear upon any of such Rates or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, such Costs, Charges, and Expences to be ascertained and determined by the said Justice or Justices: Provided always, that every Tenant or Occupier at Rack Rent, who shall be charged with or assessed to the Rate or Assessment to be levied under the Authority of this Act, shall and may from Time to Time deduct One Third of the Amount of the Sum with which he shall be so charged or assessed from the Rent then due or at any Time thereafter to be due from him to the respective Landlords or Owners of the Premises, and the Receipt for such Payment shall be a good and sufficient Discharge for such Tenant or Occupier to his Landlord for so much Money as shall amount to One Third of the Rate or Assessment to be levied under the Authority of this Act.

XXXI. Provided always, and be it further enacted, That the Amount of the Rate or Assessment to be levied as aforesaid shall be sufficient to pay off and discharge the Principal and Interest of the Money to be borrowed under the Authority of this Act, and the Expence of passing the same and carrying the said Act into execution, within Twenty-one Years after the passing thereof; and after the Expiration of such Twenty-one Years the Powers and Authorities by this Act given to the said Commissioners shall wholly cease and determine.

Money borrowed to be paid off in Twenty-one Years.

XXXII. And be it further enacted, That the annual Value of all such Houses, Warehouses, Shops, Cellars, Vaults, Stables, Counting-houses, Brewhouses, Coach-houses, and all Buildings, Erections, Works, Lands, [Local.] E Tenements,

How the annual Value of Houses, &c. is to be ascertained.

Tenements, Tithes, and other Hereditaments so to be respectively rated and assessed to the said Rate or Assessment as aforesaid, shall be settled, ascertained, and computed, and from Time to Time corrected, according to the last Assessment made for the Relief of the Poor.

Commiss-
sioners em-
powered to
correct Rates.

XXXIII. And be it further enacted, That if the said Commissioners shall at any Time or Times in any such Rate or Assessment neglect or omit to rate or assess any Person liable to pay or be charged with any Rate for the Relief of the Poor, or shall in any such Rate or Assessment over-rate or under-rate any Person liable to pay any such Rate or Assessment, then and in every such Case it shall be lawful for the said Commissioners to rate and assess in the said Rate or Assessment such Person so omitted to be rated and assessed, and to correct and regulate such Rate or Assessment so as to make the same a fair and just Rate or Assessment; and it shall be lawful for the said Commissioners and they are hereby empowered to strike out the Name of any Person not liable to the Payment thereof, and all such Alterations or Amendments shall be as valid and effectual as if the same had been Part of the Rate or Assessment originally made.

Recovery of
Rates from
Persons re-
moving.

XXXIV. And be it further enacted, That in case any Person shall quit or be about to quit his House, Warehouse, Shop, Cellar, Vault, Stable, Coach-house, Counting-house, Brewhouse, Building, Erection, Work, Land, Tenement, or Hereditament, before he shall have paid such Rate or Assessment, or such Portion thereof as may be then due from him by virtue of this Act, and shall refuse to pay the same when demanded as aforesaid, then and in every such Case it shall be lawful for the said Collector, by Warrant under the Hand and Seal of any One Justice of the Peace acting within his Jurisdiction (which Warrant he is hereby authorized and required to grant), upon Proof of any such Removal, or that there is Reason to suspect the same, to distrain his Goods and Chattels wherever they may be, and to sell the same, rendering the Overplus (if any), after having deducted the reasonable Costs, Charges, and Expences attending such Distress and Sale, upon Demand, to the Owner of such Goods and Chattels respectively.

Form of
Warrant.

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

‘ (to wit.) } To the Collector of the Rates made by the Commissioners
‘ for executing an Act passed in the Year of
‘ the Reign of His Majesty King *William* the Fourth, intituled
‘ [*here insert the Title of this Act*], and also to the Constables
‘ and other Peace Officers of the said Borough.

‘ WHEREAS the under-signed Persons, now or late Inhabitants, Te-
‘ nants, or Occupiers of Houses, Warehouses, Shops, Cellars,
‘ Vaults, Stables, Coach-houses, Counting-houses, Brewhouses, Buildings,
‘ Erections, Works, Lands, Tenements, Tithes, or Hereditaments, or
‘ Parts of Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach-
‘ houses, Counting-houses, Brewhouses, Buildings, Erections, Works,
‘ Lands, Tenements, Tithes, or Hereditaments within the Borough of
‘ *Ledbury*

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

		Sum due.
' A. B. - -		£
' C. D. - -		£

XXXVI. And be it further enacted, That in all Cases where any Person shall remove from or quit any House, Warehouse, Shop, Cellar, Vault, Stable, Coach-house, Counting-house, Brewhouse, Building, Erection, Work, Land, Tenement, or Hereditament within the said Borough which shall be rated or assessed by virtue of this Act, such Person shall be liable to pay such Rate or Assessment in proportion to the Time for which he occupied the same, in like Manner as if such Person had not removed from or quitted the same; and in all Cases where any Person shall come into or occupy any such House, Warehouse, Shop, Cellar, Vault, Stable, Coach-house, Counting-house, Brewhouse, Building, Erection, Work, Land, Tenement, or Hereditament as aforesaid, out of or from which any other Person rated as aforesaid shall be removed, or which at the Time of making such Rate or Assessment was or were empty, the same shall, for and in respect of his Occupation thereof, be liable only to such Rate or Assessment in proportion to the Time for which he shall occupy the same, in the same Manner as if he had been originally rated or assessed for such House, Warehouse, Shop, Cellar, Vault, Stable, Coach-house, Counting-house, Brewhouse, Building, Erection, Work, Land, Tenement, or Hereditament, which said respective Proportions shall, in case of Dispute, be settled and ascertained by the said Commissioners.

Rates to be apportioned on Persons removing from their Houses.

XXXVII. And for the more speedily enabling the said Commissioners to execute the Purposes of this Act, and the several Powers vested in them; be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered from Time to Time when and so often as they shall think it expedient, to borrow and take up at Interest such Sum of Money upon the Credit of the Rates or Assessments authorized to be made, levied, and collected by virtue of this Act as shall be sufficient

Power to mortgage Rates, &c.

ficient

ficient for executing the Purposes of this Act; and every such Mortgage or Security may be in the Words or to the Effect following; (that is to say,)

Form of
Mortgage.

‘ **BY** virtue of an Act passed in the Year of the Reign of
 ‘ His Majesty King *William* the Fourth, intituled [*here set forth the*
 ‘ *Title of this Act*], we of the Commissioners acting in the Exe-
 ‘ cution of the said Act, in consideration of the Sum of
 ‘ advanced and lent by upon the Credit and
 ‘ for the Purposes of the said Act, and paid by him to the Treasurer to the
 ‘ said Commissioners, do hereby grant and assign unto the said
 ‘ [*or to his Trustee or Trustees, as the Case may be,*] his Executors,
 ‘ Administrators, and Assigns, such Proportion of the Rates or Assess-
 ‘ ments authorized to be raised, levied, and collected by virtue of the
 ‘ said Act as the said Sum of Pounds doth or shall
 ‘ bear to the whole Sum to be borrowed, and which shall from Time to
 ‘ Time be owing, upon the Credit of the said Rates or Assessments, to be
 ‘ had and holden from the Day of the Date of these Presents, until the
 ‘ said Sum of Pounds, with Interest for the same after the
 ‘ Rate of *per Centum per Annum*, to be paid
 ‘ half-yearly, shall be fully paid and satisfied. In witness whereof we
 ‘ have set our Hands and Seals the Day of
 ‘ in the Year of our Lord

And every such Mortgage or Security, being under the Hands and Seals of Three or more of the said Commissioners, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever.

Power to
transfer
Securities.

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

Form of
Transfer.

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

No Prefer-
ence in Pay-
ment of
Mortgages.

XXXIX. And be it further enacted, That the several Persons to whom any such Mortgages shall have been made shall be severally entitled to their respective Quota of the said Rates and Assessments respectively, in proportion to the annual Amount of the Interest of the Monies borrowed on Mortgage, without

without any Preference by reason of the Priority in Date of such Mortgage, or on any other Account whatsoever.

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

Register
Book to be
kept.

XLI. And be it further enacted, That the Money to be raised or to be received by virtue of this Act under or by virtue of the Rate or Assessment herein-before mentioned, and the Money to be raised on the Credit thereof, and also any other Money to be raised or received under or by virtue of this Act, shall, in the first place, be applied in paying and defraying the Costs, Charges, and Expences of applying for and incident to the obtaining and passing of this Act, and of Interest for any Money advanced for that Purpose, in preference to all other Payments whatsoever; then in paying the Interest of the several Sums of Money borrowed on the Credit of the said Rate or Assessment; then in executing the several Works and Purposes hereby directed to be done, performed, and executed; and then in reducing, paying off, and discharging the several Principal Sums of Money that may be from Time to Time borrowed on the Credit of such Rate or Assessment.

Application
of Money
raised.

XLII. And be it further enacted, That if any Person shall obstruct assault, hinder, or molest any of the said Commissioners, or any Treasurer, Clerk, Workman, or Agent, or any Officer or Person whomsoever, who is or shall be appointed or employed by virtue of this Act in the Execution or Performance of his Duty, or in the Execution of any of the Works, Matters, or Things to be done by virtue or under the Authority of the same respectively, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty for
obstructing
the Execu-
tion of this
Act.

XLIII. And be it further enacted, That the said Commissioners may and they are hereby empowered to order and direct any Prosecution against any Person for any Resistance to the Execution of this Act, or to any Person acting under the same, or for any Offence committed against this Act; and all Damages, Costs, Charges, and Expences of and attending all such Prosecutions shall be paid out of the Funds or Monies to be raised under and by virtue of this Act in manner as is herein directed.

Commis-
sioners may
direct Pro-
secutions.

XLIV. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty for any Offence in this Act mentioned, the Amount of such

Damages and
Charges, in
Cases of Dis-
pute, to be

[Local.]

F

Damages

settled by
Justices.

Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

Justices may
proceed by
Summons in
the Recovery
of Penalties.

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

Recovery and
Application
of Penalties.

XLVI. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeitures for the Recovery of which no express Provision is herein-before made, shall and may in every Case be heard, adjudged, and determined by or before any Justice of the Peace acting within his Jurisdiction in a summary Way, upon Information or Complaint made, whether the same shall be in Writing or not, (and which shall in every Case be made within Three Calendar Months at farthest next after the committing of such Offences respectively, and not afterwards,) and upon any such Information or Complaint as aforesaid the said Justice shall summon the Party accused, and such Witness as may by such Justices be thought proper or necessary, and examine into the Matter thereof; and if upon the Confession of the Party accused, or on the Oath of any credible Witness (whether the Party accused be present or absent), the Party accused shall be convicted of having committed such Offence, then and in every such Case the Penalty, Fine, or Forfeiture hereby made payable in respect of such Offence, together with the Costs of Conviction, to be ascertained by such Justice, shall be forthwith paid by the Party so convicted as aforesaid; and in case such Party so convicted shall refuse or neglect to pay the same forthwith, then (except in Cases otherwise provided by this Act) the same shall and may, by Warrant under the Hand and Seal of any such Justice (which he is hereby empowered and required to grant), be levied and recovered, together with the Costs of Conviction and Recovery thereof, to be ascertained by such Justice, by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus of the Money arising by such Sale (if any), upon Demand, to the Party whose Goods and Chattels shall be distrained, one Moiety of which Penalty not herein directed to be otherwise applied shall be paid to the Informer, and the other Moiety shall be paid to and for the Use of such public Charity as the said Justice shall determine and direct; and it shall be lawful for the said

said Justice to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the said Offender shall give sufficient Security to the Satisfaction of such Justice for his Appearance before the said Justice on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Eight Days from the taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty, Fine, or Forfeiture, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justice, either upon the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods or Chattels whereon such Penalty, Fine, or Forfeiture, and such Costs as aforesaid, can be levied, were such Distress or Warrant issued, such Justice shall not be required to issue the same, and thereupon it shall be lawful for the said Justice, and he is hereby required and empowered, by Warrant under his Hand and Seal to commit such Offender to the Common Gaol or House of Correction for the County, City, Town Corporate, or Place wherein the Offence shall be committed, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Offender shall have sooner fully paid such Penalty, Fine, or Forfeiture, and all Costs attending such Proceedings as aforesaid, to be ascertained by such Justice, or shall otherwise be discharged by due Course of Law.

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

‘ (to wit.) } **B**E it remembered, That on the _____ Day of
 ‘ _____ in the Year of our Lord
 ‘ _____ is convicted before me, one of His Majesty’s Justices of the Peace for
 ‘ the _____ of having [*here state the Offence, and the Time*
 ‘ *and Place when and where the same was committed,*] contrary to the
 ‘ Statute passed in the _____ Year of the Reign of His
 ‘ Majesty King *William* the Fourth, intituled [*here set forth the Title of*
 ‘ *this Act*], for which Offence I do adjudge the said _____ to have
 ‘ forfeited the Sum of _____ Given under my Hand
 ‘ and Seal the Day and Year first above written.’

XLVIII. And be it further enacted, That if any Person shall be summoned by any Justice of the Peace acting within his Jurisdiction as a Witness to give Evidence before him, or any other Justice of the Peace acting within his Jurisdiction, touching any Matter contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecution or on behalf of the Person accused, and shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his Costs and Expences, without a satisfactory Excuse being given for such Nonappearance, or appearing shall refuse or decline to be examined upon Oath or Affirmation, or to give Evidence touching the Matter in question, before such Justice, then and in every such Case every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Penalty on Persons not appearing or refusing to be examined as Witnesses.
 Ten

Ten Pounds, to be recovered as other Fines and Penalties are by this Act to be recovered.

Persons giving false Evidence to be punished.

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

Persons paying Rates may be Witnesses.

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

What shall be deemed good Service upon the Commissioners.

LI. And be it further enacted, That in all Cases wherein it may be necessary for any Person or Party to serve any Summons, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Commissioners, Service thereof respectively upon any Two of such Commissioners, or delivered to some Inmate at their then or last known Places of Abode, or upon the Clerk or Treasurer of such Commissioners, or left at the Office of such Clerk or Treasurer, or delivered to some Inmate at his then or last known Place of Abode, or in case the same respectively shall not be found or known, then Service upon any other Agent or Officer employed by such Commissioners, shall be deemed good and sufficient Service of the same respectively on the said Commissioners.

Distress not unlawful for Want of Form.

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

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

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

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

LIV. And be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff, specifying

ing the Cause of such Action, nor shall the Plaintiff recover in any such Action if Tender of Amends shall have been made to him or his Attorney by or on the Behalf of the Defendant before such Action brought; and in case no such Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceeding, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

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

Limitation
of Actions.

LVI. Provided always, and be it further enacted, That if any Person shall think himself aggrieved by any Rate or Assessment made under or by virtue of this Act, or by any Determination or Judgment made or given by any Justice of the Peace in pursuance of this Act, or by any other Matter or Thing made or done in pursuance of this Act, he may, within Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace for the County or Place where the Cause of Appeal shall have arisen at their General or Quarter Sessions of the Peace, or at some Adjournment thereof, such Appellant having given at least Ten Days Notice in Writing of his Intention of making such Appeal, and the Time and Place thereof, and of the Matter and Cause thereof, to the Party against whom such Appeal shall be made, or whose Interest may be affected by such Appeal, except where the Appeal shall be made against any such Rate or Assessment as aforesaid, or against any other Matter or Thing made or done by the said Commissioners, or by any Justice of the Peace, in which Case such Notice shall be given to the said Commissioners, and within Three Days next after such Notice causing Recognizances to be entered into before some Justice of the Peace for the said County or Place, by himself and Two sufficient Sureties, in the Sum of Twenty Pounds each, conditioned for the Party appellant to try such Appeal, and abide the Order and

Appeal to the
General or
Quarter
Sessions.

[Local.]

G

Award

Award of the Justices of such Sessions therein, and to pay such Costs as shall be awarded at such Sessions; and thereupon the Justices present at any such Sessions, upon due Proof upon Oath of such Notice and Recognizance having been given and entered into as aforesaid, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and the said Justices shall have Power to award such Restitution, Damages, and Costs to the Party appealing or prosecuting such Appeal, or such Costs to the Respondent or Party defending such Appeal, as the said Justices shall think proper; and all such Orders and Determinations of the said Justices at such Sessions shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever, and shall not be removable by Certiorari or otherwise into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

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

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

Construction of certain Words.

LVIII. And be it further enacted, That in this Act the Word "Commissioners" shall be deemed and understood to mean the Commissioners for executing this Act; the Words "Houses and other Premises" the said several Houses, Buildings, and Erections, and also the said Weighing Machine and Machine House, and the Land whereon the same may respectively stand; the Word "Person" shall extend to a Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil; and every Word importing the Singular Number or the Masculine Gender only shall extend and be applied to several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males, unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Public Act.

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

The SCHEDULE to which the foregoing Act refers,

No. of House in the Row.	Description of Property.	Owners or reputed Owners.	Occupiers.
1	House, Shop, and Out- buildings - - - }	John Webb - - -	John Webb.
	Small Tenement under same Roof - - - }	ditto - - -	William Webb.
2	House, Shop, and Out- buildings - - - }	Purchased by a Sub- scription for effecting the Removal of the Butcher Row - - - }	Charles Wilkes.
3	Ditto - - -	William Bellers - - -	Elizabeth Baylis.
4	Ditto - - -	Richard Millard - - -	Elizabeth Johnson.
5	Ditto - - -	Purchased by a Sub- scription for effecting the Removal of the Butcher Row - - - }	James Cale.
6	Ditto - - -	John Cale - - -	John Cale.
7	Ditto - - -	The Trustees of Thomas Poole deceased - - }	Enoch Tranter.
	A Weighing Machine and Machine House }	The Lords and Lady of the Manor of Ledbury in the County of Here- ford - - - }	Philip Bowkett.
	A Plot of Land whereon a House formerly stood }	John Biddulph, Esquire	William Butt.

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