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GEORGI II. REGIS.

Cap. 140.

An Act for paving, cleansing, lighting, watching, and otherwise improving the Streets and other publick Passages and Places in the Town and Borough of *Oswestry*, in the County of *Salop*. [3d June 1809.]

WHEREAS the Streets, Squares, Roads, Ways, Lanes, and other publick Passages within the Town and Borough of *Oswestry*, in the County of *Salop*, and the Liberties thereof, are not properly paved, cleansed, lighted, watched, improved, and regulated, and are subject to various Nuisances, Annoyances, Obstructions, and Encroachments: And whereas it would be of great Advantage to the Inhabitants of the said Town and Borough and the Liberties thereof, and to all Persons resorting thereto, if the said Streets, Squares, Roads, Ways, Lanes, and other publick Passages, were properly paved, cleansed, lighted, watched, improved and regulated, and the Nuisances, Annoyances, Obstructions and Encroachments therein were removed, and prevented for the future: But the same cannot be effectually done without the 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 every Person who now resides or shall hereafter reside within the said Town and Borough of *Oswestry*, or the Liberties thereof, paying Parliamentary and Parochial Taxes, and

Commissioners.

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occupying

occupying a Messuage or Dwelling House, or Lands, with the Appurtenances, of the yearly Rent or Value of Thirty Pounds, or being in his own Right or in the Right of his Wife in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments, situate within the said Town and Borough of *Oswestry*, or the Liberties thereof, of the clear yearly Value of Thirty Pounds above Reprizes, or possessed of or entitled unto a Personal Estate alone of the clear yearly Value of Fifty Pounds (during the Time of such Residence only), shall be and are hereby constituted and appointed Commissioners for putting this Act in Execution.

Commissioners Oath.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except the Commissioners who shall be present and take the Oath or Affirmation following at the first Meeting to be holden for the Purposes of this Act), unless he shall, at a previous Meeting of the said Commissioners, have taken the said Oath (or Affirmation, if One of the People commonly called *Quakers*) before any Three or more of the said Commissioners, who are hereby authorized and required to administer the same, before he takes upon himself to act in the Trusts and Authorities by this Act granted; which Oath or Affirmation shall be in the Words or to the Effect following; (that is to say),

‘ I *A. B.* do swear [*or, affirm, as the Case may be*], That I do reside
 ‘ and am a Housekeeper, paying Parliamentary and Parochial Taxes
 ‘ within the Town and Borough of *Oswestry*, in the County of *Salop*,
 ‘ or the Liberties thereof, and am truly and *bonâ fide* in the Occupation
 ‘ of a Messuage or Dwelling House, with its Appurtenances, of the an-
 ‘ nual Rent or Value of Thirty Pounds, or that I am in my own Right
 ‘ or in the Right of my Wife in the actual Possession and Enjoyment or
 ‘ Receipt of the Rents and Profits of Lands, Tenements or Heredi-
 ‘ taments, situate within the said Town and Borough, or the Liberties
 ‘ thereof, of the clear yearly Value of Thirty Pounds above Reprizes,
 ‘ or possessed or entitled unto a Personal Estate alone of the clear yearly
 ‘ Value of Fifty Pounds; and that I will truly and impartially, accord-
 ‘ ing to the best of my Skill and Judgement, execute and perform the
 ‘ several Powers and Authorities reposed in me as a Commissioner
 ‘ by virtue of an Act, passed in the Forty-ninth Year of the Reign
 ‘ of His Majesty King *George* the Third, intituled, [*here insert the*
 ‘ *Title of this Act.*] ‘ So help me GOD.’

And if any Person not being so qualified shall nevertheless presume to act in the Execution hereof, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, Bill, Plaint or Information, wherein no Esloign, Protection, Wager of Law, or more than one Imparlancc shall be allowed; and every Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person or Persons acting as a Commissioner or Commissioners in the Execution of this Act, though not duly qualified

as aforesaid, previous to his or their being convicted of the said Offence, shall notwithstanding such Conviction, be as good, valid and effectual, as if such Person or Persons had been duly qualified to act as a Commissioner or Commissioners according to the Directions of this Act: Provided also, nevertheless, that it shall be lawful for such of the said Commissioners who are or shall be a Justice or Justices of the Peace for the said Town and Borough of *Oswestry*, to act in the last-mentioned Capacity in or relating to the Execution of this Act, notwithstanding their being Commissioners under this Act.

III. And be it further enacted, That the said Commissioners or any Seven or more of them shall meet together at the Guildhall in the said Town and Borough of *Oswestry*, on *Thursday* the Twenty-seventh Day of *July* next after the passing of this Act, at Eleven of the Clock in the Forenoon, and proceed to the Execution thereof, and may then adjourn themselves from Time to Time, and afterwards meet there, or at any other Place within the said Town and Borough, as the said Commissioners or any Seven or more of them shall think most convenient, as often as it shall be necessary for putting this Act in Execution, and that Three Commissioners shall be sufficient for the Purpose of Adjournment only; and if it shall happen that there shall not at any Meeting be a sufficient Number of Commissioners to act or to adjourn to another Day, or in case the Commissioners at any Meeting assembled shall neglect or omit to adjourn, then and as often as the Case shall happen the Clerk or Clerks to the said Commissioners, or any Seven or more of the said Commissioners, shall and may, by Notice in Writing to be affixed at the Guildhall or some other publick Place or Places within the said Town and Borough of *Oswestry*, Three Days at least before such intended Meeting, appoint the Commissioners to meet on the Day to be fixed in such Notice; and all Matters and Things which shall be done and transacted at any Meeting which shall be held in pursuance of such Notice, shall be as valid and effectual as if the same had been done at any other Meeting held by virtue of this Act.

Meetings of
the Commis-
sioners.

IV. Provided always, That no Act of the said Commissioners shall be valid unless done at a publick Meeting or Meetings to be held by virtue of this Act (except in the Case before mentioned, where Adjournments shall not have been made as aforesaid); and that no Person during the Time he shall have any Share or Interest in any Contract or beneficial Employment under this Act, or while any Appeal shall be depending wherein he shall be interested, shall be capable of acting as a Commissioner in the Execution of this Act; and that at all Meetings to be held in pursuance of this Act, the Commissioners present at such Meetings shall defray and bear their own Expences.

No Act of
the Commis-
sioners to be
valid, unless
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V. Provided always, and be it further enacted, That no Order made by the said Commissioners at any of their Meetings shall be revoked or altered unless at some Meeting to be specially holden for that Purpose, of which Seven Days Notice in Writing shall have been given by affixing the same on the Guildhall or some other publick Place or Places in *Oswestry* aforesaid, and also unless twice the Number of such Commissioners or more shall attend at such Meeting to revoke or alter the same

No Order of
the Commis-
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as were present to make such Order; any Thing herein-before contained to the contrary thereof notwithstanding.

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

VI. And be it further enacted, That the said Commissioners shall and may sue and be sued, and otherwise proceed or be proceeded against at Law, in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers for the Time being, and that all Actions or Suits that it may be necessary to bring for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act, or for or in respect of any Matter or Thing relating to this Act, shall be brought and prosecuted in the Name or Names of their said Clerk or Clerks, Treasurer or Treasurers for the Time being; and that no Action or Actions which may be brought, commenced or prosecuted by or against such Commissioners or any of them, by virtue or on account of this Act, in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, shall abate or be discontinued by the Death, Suspension or Removal of such Clerk or Clerks, Treasurer or Treasurers, or any or either of them, or by any Act or Default of such Clerk or Clerks, Treasurer or Treasurers, any or either of them, done or suffered without the Direction or Consent of Seven or more of the said Commissioners for the Time being, but the Clerk or Clerks, Treasurer or Treasurers to the said Commissioners for the Time being shall always be deemed Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may require, in such Actions or Suits: Provided always, that every such Clerk or Clerks, Treasurer or Treasurers, in whose Name or Names any Action or Suit shall be commenced, prosecuted or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to be raised by virtue of this Act, all such reasonable Costs, Charges, and Expences, as he or they shall sustain or be put unto or become chargeable with by reason of his, their, or any or either of their being so made Plaintiff or Plaintiffs, Defendant or Defendants therein; and such Clerk or Clerks, Treasurer or Treasurers, shall not be personally answerable or liable for the Payment of the same or of any Part thereof, unless such Action or Suit shall arise in consequence of his or their own Neglect or Default, and unless it should have been brought, commenced, or defended, without the Order or Direction of Seven or more of the said Commissioners assembled at a Meeting under this Act.

Matters to be determined by the Majority of Commissioners present at Meetings.

VII. And be it further enacted, That all the Powers or 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 public Meeting to be holden in pursuance of this Act, and that a Chairman or President shall and may be appointed at every such Meeting; and that in all Cases the said Commissioners shall vote by Ballot, in case the same shall be desired by any Two or more of the Commissioners then present; and in case of an equal Number of Votes upon any Occasion (including the Chairman or President's Vote), the Chairman or President shall have the casting or decisive Vote.

Appointment of Officers.

VIII. And be it further enacted, That the said Commissioners or any Seven or more of them shall and may from Time to Time, appoint one or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the

the Rate or Rates herein-after mentioned, Surveyor or Surveyors, and such other Officer or Officers for the Execution of this Act, as the said Commissioners or any Seven or more of them shall from Time to Time think proper, and may also from Time to Time remove them or any of them, and appoint other or others in the Room of such of them as shall be so removed, or shall die, relinquish or discontinue such Office, or become incapable of acting therein; and out of the Monies to be raised by virtue of this Act, the said Commissioners shall and may make such Allowances to such Officers, and to all other Persons by them the said Commissioners employed in the Execution of this Act, as they or any Seven or more of them shall think reasonable, and shall and may take such Security from the Treasurer or Treasurers, and other Officers, for the due Execution of their respective Offices, as the said Commissioners or any Seven or more of them shall think proper; and all such Officers so to be appointed shall, under their Hands, at such Time or Times and in such Manner as the said Commissioners or any Seven or more of them shall direct, deliver to the said Commissioners or any Seven or more of them, 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 and Persons respectively received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, 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 any Seven or more of them, or to such Person or Persons as they shall appoint; and all the said Officers so accounting as aforesaid, shall upon Oath, if thereunto required by the said Commissioners or any Seven or more of them, (which Oath the said Commissioners or any Three or more of them are and is hereby empowered and required to administer), verify their said Accounts; and if any such Officer shall neglect or refuse to make and render or to verify upon Oath any such Account, or to produce or to deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall neglect or refuse to deliver to the said Commissioners or any Seven or more of them, or to such Person as they shall appoint, within Seven Days next after being thereunto required by the said Commissioners, or any Seven or more of them, 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 this Act, or give Satisfaction to the said Commissioners, or any Seven or more of them, respecting the same, then and in any of the Cases aforesaid the said Commissioners or any Seven or more of them, may and are hereby authorized and empowered to cause an Action to be brought against the Officer so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall remain due from him, with Costs of Suit; or if Complaint shall be made by the said Commissioners or any Seven or more of them, or by such Person or Persons as they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace of the County or Place wherein such Officer so neglecting or refusing shall be or reside, such Justice may and is hereby authorized and required to issue a Warrant under his Hand and Seal for the Officer so neglecting or refusing, to be brought before him, and upon his 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

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any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies which shall have been collected or raised by virtue of this Act shall remain due from such Officer, such Justice may and is hereby authorized and required, upon Non-payment 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 such Distress and Sale, or if it shall in Manner aforesaid appear to such Justice that such Officer shall have neglected or refused to render and give such Account, or to verify the same as aforesaid, 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 neglected or refused to deliver 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 or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners or any Seven or more of them for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners or any Seven or more of them are hereby empowered to make and receive), and until he shall deliver up such Books, Papers and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners or any Seven or more of them as aforesaid: Provided always, that no Person committed for Want of sufficient Distress shall remain in Prison for any longer Space than Six Calendar Months.

Officers not
to take Fees
or Reward.

IX. And be it further enacted, That if any Clerk, Surveyor, or Officer or Servant, who shall be employed by the said Commissioners in the Execution of this Act, shall exact, take, or accept, by any Ways or Means, any Fee or Reward whatsoever, other than such Salaries and Allowances as shall be appointed by the said Commissioners or any Seven or more of them, for or on Account of any Thing done or to be done by virtue of this Act, or on any Account whatsoever relative to the putting of this Act in Execution, or shall be by any Ways or Means concerned or interested in any Bargain made or to be made by the said Commissioners or any Seven or more of them, for any of the Purposes intended by this Act, every Person so offending shall thenceforth for ever be incapable of being employed under this Act, and shall likewise forfeit and pay the Sum of Ten 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, by Action of Debt, Bill, Plaint, or Information, to be commenced within Twelve Calendar Months next after the Offence shall be committed, in which Action or Suit no Protection, Essoign, or Wager at Law, or more than One Imparance shall be allowed.

Proceedings
to be entered
in Books.

X. And be it further enacted, That all the Acts, Orders, and Proceedings of the said Commissioners shall from Time to Time be fairly written and entered in a proper Book or Books to be kept for that Purpose, and that all such Books shall, at any Meetings of the said Commissioners
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be open to the Inspection of any Person or Persons rated, and paying the Rates or Assessments to be made for the Purposes of this Act, without Fee or Reward; and all such Orders and Proceedings so entered shall be signed by any Seven or more of the said Commissioners, or by their Clerk or Clerks for the Time being, and shall be deemed Originals and shall be admitted to be read in Evidence in all Courts whatsoever, in all Causes, Suits, and Actions, touching any Thing to be done in pursuance and under the Authority of this Act; which Book or Books shall be kept by the Clerk or Clerks for the Time being to the said Commissioners, or by such Person or Persons, and at such Place or Places as the said Commissioners or any Seven or more of them shall direct and appoint.

XI. And be it further enacted, That all and every Collector and Collectors to be appointed in pursuance of this Act, shall and is and are hereby authorized and required to pay all such Monies as he or they shall respectively collect and receive by virtue of the Rates to be made in pursuance of this Act, into the Hands of the Treasurer or Treasurers to be appointed by the said Commissioners or any Seven or more of them, who is or are hereby authorized and required, out of the Monies collected and paid into his or their Hands, to pay all Sums of Money which the said Commissioners or any Seven or more of them, shall from Time to Time draw upon for or order him to pay; and the said Treasurer or Treasurers for the Time being shall and is and are hereby required to keep regular and clear Entries or Accounts in a Book or Books to be for that Purpose by him or them provided and kept, of all and singular the Receipts and Payments on account or in pursuance of this Act, to which Book or Books, and all others kept for the Purpose of this Act, every Person liable to the Payment of the said Rates shall and may have free Access at all convenient Times, with full Liberty to inspect the same without Fee or Reward; and also that the Treasurer or Treasurers for the Time being shall once in every Year have the said Accounts audited, and passed and allowed by the said Commissioners or any Seven or more of them.

Collectors to pay the Money they shall receive to the Treasurers.

XII. And be it further enacted, That from and after the passing of this Act, the Right and Property of, in, and to all the present and future Pavements in the said Streets, Squares, Roads, Ways, Lanes, and other publick Passages within the said Town and Borough of *Oswestry* and the Liberties thereof, as well in the Footways as Carriageways, and of, in, and to all Lamps, Lamp Irons, Posts, and other Things thereto belonging, which now are or shall or may hereafter be erected and fixed by virtue of this Act, and of, in, and to all other Things, Materials, and Utensils whatsoever which shall be purchased for the Purposes of this Act, shall be and are hereby vested in the said Commissioners, and they or any Seven or more of them are hereby authorized and empowered to bring or cause to be brought any Action or Actions, or to prefer any Bill or Bills of Indictment, as the Case may require, against any Person or Persons who shall steal, take and carry away, spoil, injure, or destroy any Part or Parts thereof, or any other Matter or Thing vested in the said Commissioners as aforesaid, or disturb them in the Possession thereof; and the said Commissioners or any Seven or more of them shall have full Power and Authority from Time to Time, to sell by publick Auction

Pavements, &c. vested in the Commissioners.

or otherwise, all or any Part of the Materials and Things which shall not be wanted for the Purposes of this Act; and the Money arising therefrom shall be applied to the Purposes of this Act.

Pavement to be made and repaired.

XIII. And be it further enacted, That it shall be lawful for the said Commissioners or any Seven or more of them, from Time to Time and at all Times when and so often as they shall think proper, to order and direct all or any of the present or future Pavements in the Streets, Squares, Roads, Ways, Lanes and other public Passages in the said Town and Borough of *Oswestry* and the Liberties thereof, as well in those Parts used by Carriages as those used by Foot Passengers on both Sides of the Way, to be taken up, and the said Streets, Squares, Roads, Ways, Lanes and other public Passages to be paved, pitched, relaid, cleansed, amended, raised, lowered, or altered, and proper Drains to be made for conveying off the Water in such Manner, and at such Time or Times, and as often as the said Commissioners or any Seven or more of them shall think proper; and the Person or Persons authorized or directed by them to do the same is and are hereby invested with full Power to do the same accordingly.

For getting Materials.

XIV. And be it further enacted, That it shall be lawful for the said Commissioners or any Seven or more of them, or such other Person or Persons as they shall from Time to Time appoint, to dig up, have, take, and use all such Gravel, Stones, Bricks and other Materials as shall be found in the said Streets, Squares, Roads, Way, Lanes and other public Passages or any of them, and to provide and bring in all such other Gravel, Stones, Bricks and other Materials for the paving and repairing of the same, and employ such Artificers, Workmen, Labourers, Carters and others, in and about the paving and repairing of the said Streets, Roads, Lanes, Ways and Passages, or any of them; and to order, issue, and appoint to be paid such Sums of Money, Wages and Salaries, for or in respect of the Matters and Things aforesaid, and to do all and every such Acts and Things as the said Commissioners or any Seven or more of them shall judge necessary and proper for accomplishing the Purposes of this Act, pursuant to the Power herein contained.

For regulat-
ing Buildings.

XV. And be it further enacted, That from and after the passing of this Act, all and every Person and Persons who shall within the Space of Six Calendar Months have built or erected, or who shall at any Time thereafter build or erect, or cause to be built or erected, any Dwelling-house or other Building, Wall or Fence, within, adjoining, or contiguous to any of the Streets, Squares, Roads, Ways, Lanes, or other public Passages within the said Town and Borough of *Oswestry*, and the Liberties thereof, shall, at his, her, or their own Costs and Charges, from Time to Time, within One Calendar Month after Notice in Writing for that Purpose given by any Seven or more of the said Commissioners, cause the Ground before, behind, or at the Sides of such Dwelling-houses or other Building, Wall or Fence, as far as the Gutter or Channel in the said Streets, Squares, Roads, Ways, Lanes and other public Passages, to be raised or lowered, and well and sufficiently paved, pitched, repaired or altered, in such Manner and Form, and with such Materials as the said Commissioners or any Seven or more of them shall direct or require: Provided always, that in case any Person or Persons who shall within the Space
aforesaid

aforesaid have built or erected, or who shall or may at any Time thereafter build or erect, or cause to be built or erected any such Dwelling-house, Building, Wall or Fence, shall refuse or neglect to do or perform all or any Part of such last-mentioned paving, pitching, repairing, altering or other Thing, within the Time and in the Manner before directed, that then and in such Case it shall be lawful for the said Commissioners or any Seven or more of them to cause the same or any Part thereof to be done in such Manner and Form as they shall think fit to order and direct, and the Charges and Expences attending the same shall be paid by the Person or Persons erecting or building the same, or causing the same to be so built or erected; and in case any such Person or Persons shall refuse or neglect to pay all such Charges and Expences, for the Space of Seven Days after the same shall be demanded, then it shall be lawful for any One Justice of the Peace for the said Town and Borough, upon Complaint made to him by the said Commissioners, or by any One or more of them, or by the Surveyor or Surveyors, Collector or Collectors, Clerk or Clerks respectively, or any or either of them, to cause all such Charges and Expences to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing or neglecting as aforesaid, together with all reasonable Costs and Charges of such Complaint, Distress and Sale, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall be so distrained and sold.

XVI. And be it further enacted, That if any Person or Persons shall at any Time or Times after the passing of this Act, make or cause to be made any Alteration in the Form of the Pavement of any Street, Square, Road, Way, Lane or other public Passage within the said Town and Borough of *Oswestry* and the Liberties thereof, without the Consent and Approbation of the said Commissioners or any Seven or more of them, such Person or Persons shall at his, her, or their own Expence, within One Calendar Month after Notice given for that Purpose by the said Commissioners or any Seven or more of them, or by their Clerk or Clerks, Treasurer or Treasurers, Surveyor or Surveyors, remove or take away the same, and put the Pavement or Road which shall have been so altered into the same Form and Condition as it was before the Time of such Alteration, or as they shall require and direct; and in case of his, her or their Neglect or Refusal so to do within the Time aforesaid, then the said Commissioners or any Seven or more of them shall and may order any Workman or Workmen to re-alter the said Pavement or Road, and put the same into such Form and Condition as it was in before, or as they shall require and direct; and the Expences and Charges thereof shall be borne and defrayed by the Person or Persons who shall have made such Alteration, and shall be recovered and applied (in case of Nonpayment thereof upon Demand) in like Manner as Penalties and Forfeitures are by this Act authorized or directed to be recovered and applied.

XVII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners or any Seven or more of them, by Writing under their Hands, to require the Proprietors and Inhabitants within the said Borough, or their Builders or Workmen, to make such Hord or Hords, Fence or Fences, before their respective Houses, in order to the taking down, rebuilding, or repairing the same, or any Vault, Drain or Building belonging thereto, and for laying the necessary Ma-

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Pavements
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Houses,
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building or
repairing.

materials for the same, and the Rubbish arising therefrom, as the said Commissioners or any Seven or more of them in their Discretion shall think necessary or proper in that Behalf.

Bars may be erected while Streets, &c. are under repair.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners, when any of the said Streets, Squares, Roads, Ways, Lanes, and other public Passages within the said Town and Borough and the Liberties thereof, shall be under Repair in the paving or pitching thereof, or during the making or repairing of any of the Sewers, Drains, or Vaults by this Act authorized to be made and repaired, to fix and place or cause to be fixed and placed, such and so many Bar or Bars, Chain or Chains, Post or Posts, or other Obstruction or Obstructions across or in any of the said Streets, Squares, Roads, Ways, Lanes and other public Passages, to prevent the passing and repassing of Carriages, Drays and Horses during the Time of such Works and Repairs being carried on as to them shall seem proper; and if any Person shall break down, take down, alter or remove any of the said Bars, Chains, Posts or other Obstructions, without the Authority or Consent of the said Commissioners, every such Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds, to be recovered by Action of Debt, Bill, Plaint or Information, to be brought in the Name of the said Clerk to the said Commissioners within Twelve Calendar Months next after the committing of such Offence, in any of His Majesty's Courts of Record at *Westminster*, in which Action or Suit no Protection, Privilege, Essoign, or Wager of Law, nor more than One Imparance shall be allowed.

For sweeping Footways.

XIX. And be it further enacted, That all and every Person and Persons inhabiting within the said Town and Borough of *Oswestry* and the Liberties thereof, shall sweep and clean or cause to be swept and cleaned the Footway or Pavement before their respective Houses, Buildings and Walls, once at least in every Week or oftener if thereto required by the said Commissioners or their Surveyor or Surveyors for the Time being, upon Pain of forfeiting any Sum not exceeding Twenty Shillings for every Neglect therein.

Scavengers.

XX. And be it further enacted, That it shall be lawful for the said Commissioners or any Seven or more of them from Time to Time to nominate and appoint such Person or Persons as they shall think fit to be and act as a Scavenger or Scavengers for sweeping, cleansing and carrying away from off the Streets, Squares, Roads, Ways, Lanes, and other public Passages within the said Town and Borough of *Oswestry* and the Liberties thereof, the Dirt, Dust, Dung, Filth and Soil thereof, at such Times and in such Manner as is herein-after-mentioned, and to contract with such Scavenger or Scavengers for the same, and for providing such a Number of Servants or Men, Carts and Carriages, as shall be deemed requisite and necessary for those Purposes, and to order and direct on what Day or Days or Times in each and every Week the particular Streets, Squares, Roads, Ways, Lanes, and other public Passages within the said Town and Borough of *Oswestry* and the Liberties thereof shall be swept and cleansed, and the Dirt, Dust, Dung, Filth and Soil carried off from the same respectively; and that the said Scavenger or Scavengers shall give due Notice to the Inhabitants, and stay a convenient Time

with such Cart or Carriage, so that the said Scavenger or Scavengers may take and put into such Cart or Carriage all such Dirt, Dust, Ashes or Filth, or otherwise the said Scavenger shall if required, and not otherwise, come into such Part of their respective Houses and Premises where such Dirt, Dust, Ashes and Filth as aforesaid shall be kept, and take the same from thence in such Cart or Carriage as aforesaid; and the said Commissioners or any Seven or more of them shall and may make such Rules, Orders and Directions, to be observed and kept by such Scavenger or Scavengers from Time to Time, and with and under such reasonable Penalties and Forfeitures, as they the said Commissioners shall think fit.

XXI. And be it further enacted, That no Person or Persons shall take and carry away, or cause to be taken and carried away, any Ashes, Dust, Dirt, Muck, Dung, or Manure which shall be made in any of the said Streets, Squares, Roads, Ways, Lanes, and other publick Passages out of the same, other than and except the Person so to be contracted with or appointed as aforesaid for such Purpose by the said Commissioners, upon pain of forfeiting and paying any Sum not exceeding Five Pounds for every such Offence.

No Persons except the Scavengers appointed under the Act to take away Dirt, &c.

XXII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to any Ashes, Dust, Dirt, Filth, Dung, or Rubbish, which any of the Inhabitants of the said Town and Borough of *Oswestry* and the Precincts thereof, shall lay or keep within their respective Houses, Buildings, Gardens, or Grounds, so as the same do not become a Nuisance or Annoyance to any other of the Inhabitants, and so as such Ashes, Dust, Dirt, Filth, Soil, Dung, or Rubbish be not laid down or placed in any or either of the said Streets, Roads, Lanes, Ways, or Passages, for any longer Time than shall be necessary for the loading and carrying away the same; but in case the Person or Persons so reserving such Ashes, Dirt, Dust, Filth, Soil, Dung, or Rubbish, shall continue to keep the same for the Space of One Day after Complaint shall have been made and proved to the said Commissioners or any Three or more of them, of the same being such Nuisance or Annoyance, and after Notice in Writing given him, her, or them, or left at his, her, or their usual Place of Abode, to remove the same, such Person or Persons shall forfeit and pay any Sum not exceeding Twenty Shillings for every Day such Nuisance or Annoyance shall be permitted to remain after such Notice given as aforesaid: Provided also, that no Person shall be subject to the last-mentioned Penalty for any Rubbish or Dirt in the said Roads, Streets, Lanes, and other publick Passages and Places, or any of them, before the House or Tenement of such Person, occasioned by the building or pulling down any Building, rebuilding or repairing any House or Tenement, so as there be convenient Space left in the same Roads, Streets, Lanes, Ways, and other publick Passages and Places where such Rubbish or Dirt shall lie for Carriages to pass and repass, and a sufficient Way kept clean for Foot Passengers by the Persons laying or occasioning such Dirt or Rubbish to be laid, nor for the making up any Lime into Mortar in any of the said Streets, Squares, Roads, Ways, Lanes and other publick Passages, so as such Space be left for Foot Passengers and Carriages, and so as such Lime be inclosed before such House or Building about which the same

Not to extend to Persons keeping Ashes, &c. on their own Premises, so as nevertheless not to become a Nuisance.

is to be used, and so as the Owner or Owners of such House or Tenement before which such Lime or Rubbish shall lie, shall cause the same to be removed out of the same Street, Square, Road, Way, Lane and other publick Passage, at his, her, or their own Costs and Charges within a reasonable Time, or upon Notice to be given to him, her, or them, or left at his, her, or their said House or Tenement where such Rubbish or Lime shall lie for that Purpose, in Writing, signed by the said Commissioners or any Three or more of them, and so as that whilst the same shall be lying in the said Street, Square, Road, Way, Lane or other publick Passage, such Owner or Owners shall set up and maintain a sufficient Light upon or against the same every Night from the Time it becomes dark, to prevent any Mischief happening to Passengers which might otherwise be occasioned thereby.

Places may be appointed for depositing Dirt, Ashes, &c.

XXIII. Provided always, and be it further enacted, That the Person or Persons who shall from Time to Time be contracted with for cleansing the said Streets, Squares, Roads, Lanes, and other publick Passages, or any Part or Parts thereof, shall have Liberty, by the Approbation and Order in Writing of Three or more of the Commissioners, to lodge Dirt, Dust, Ashes, or other Filth in such vacant and publick Places in or near the said Roads, Streets, Lanes, and other publick Passages or Places as shall be thought convenient by the said Commissioners, they the said Persons so contracted with giving such Satisfaction to the Owners and Occupiers of such vacant Places as the said Commissioners or any Three or more of them shall direct.

Penalty on Contractors for cleansing not doing their Duty.

XXIV. And be it further enacted, That if any Person or Persons entering into or engaging in any Contract for well and sufficiently cleansing any of the Squares, Roads, Ways, Streets, Lanes and other publick Passages within the said Town and Borough and the Liberties thereof, shall omit or neglect to sweep or cleanse, or to remove or take away the Dirt or Ashes belonging to the several Inhabitants from and out of the same, according to his or their Contract, or shall in any other Manner omit or neglect to perform, execute and fulfil the Conditions of his or their said Contract according to the true Intent and Meaning thereof, such Person or Persons shall for every such Neglect or Omission as aforesaid forfeit and pay any Sum not exceeding Fifty Pounds; and it shall be lawful for the Justices before whom such Penalty shall be recovered, to order and direct any Sum not exceeding one Quarter of the said Penalty, to be paid and applied to the Use of such Person as shall inform or prosecute in that behalf; provided nothing herein contained shall extend or be construed to extend to hinder or prevent the said Commissioners from commencing and prosecuting any Action or Actions at Law against any Contractor or Contractors for cleansing any of the said Streets, Squares, Roads, Ways, Lanes and other publick Passages, for or in respect of any Breach of Contract or Covenant, so as such Action or Actions be not brought or commenced for or in respect of any particular Breach of Contract or Covenant for which such Contractor or Contractors shall have been proceeded against before such Justices as aforesaid.

For preventing Nuisances and Annoyances in the Streets.

XXV. And be it further enacted, That if any Person or Persons shall, upon any of the present or future Pavements of the publick Streets, Squares, Roads, Ways, Lanes, and other publick Passages, now made or built

built, or which shall or may hereafter be made or built within the said Town and Borough of *Oswestry*, and which are now or shall hereafter at any Time be used as a Footway, or upon any other Way designed and appointed for a Footway only, run, draw, drive or carry any Truck, Wheel, Sledge, Wheelbarrow, Handbarrow or Carriage whatsoever, or shall roll any Cask other than for the necessary loading or unloading thereof, in, upon, from or out of any Carriage; or shall thereon wilfully ride, lead, or drive any Cattle of any kind, or any Beast (whether loaded with Vegetables or other Goods or Wares for Sale, or unloaded); or shall in any of such Roads, Streets, Lanes, and other publick Passages or Places as aforesaid, hoop, fire, or cleanse any Cask, or empty any of the Contents of any Cask therein; or shall hew, saw, or cut any Stone, Wood or Timber, or bore any Timber (except for the Purpose of building, altering, or repairing any House or Building in Manner herein-before mentioned, or for any of the Purposes by this Act required or authorized to be done, in which Cases the same shall, if the Commissioners think proper and direct, be fenced and inclosed in Manner herein-before mentioned); or shall make, alter, or repair any Coach, Chaise, Waggon, Sledge, or other Waggon whatsoever in any of such Streets, Squares, Roads, Ways, Lanes, or other publick Passages (except such Carriage may want immediate repairing from any sudden Accident on the Spot, and which cannot be conveniently removed for that Purpose); or shall shoe or (except in Cases of Accident) bleed, farry, or clean any Horse therein; or if the Driver of any Waggon, Cart, Sledge or other Carriage, shall in any of the said Streets, Squares, Roads, Ways, Lanes and other publick Passages, ride on the Shafts or on any Part of such Waggon, Cart, Sledge, or other Carriage, without Reins, or on any of the Horses and Cattle drawing the same; or if any Person or Persons shall at any Time, in any of the high Streets or Lanes therein, shew or expose to View any Stallion or Stonehorse, or shall ride, drive, lead or expose any Horse or other Beast whatsoever for Shew or Sale, except Neat Cattle, Draft and Riding Horses (not being Stallions or Stonehorses) on the chartered or customary Market or Fair Days; or shall therein make, assist, or abet in making any Bonfire, or let off or fire, make, sell, give away, assist, aid, or abet in letting off or firing any Crackers, Squibs, or other Fireworks; or if any Person shall sift, throw, cast, or lay any Ashes (except in the Time of Frost only and to prevent Accidents), or any Dust, Muck, Dung, Soil, Filth, Rubbish, Refuse of Garden Stuff, Blood, Offal, Carrion, or any other offensive Matter or Thing, in any of the said Streets, Squares, Roads, Ways, Lanes and other publick Passages, or shall permit or suffer any Swine, Asses, or Cattle to wander or stray therein, the same shall be respectively considered as an Offence or Offences against this Act; and every Person so offending in any of such Cases shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings; and if any Person or Persons shall kill or slaughter, or shall singe, scald, dress or cut up any Animal, either wholly or in Part, in any of such Roads, Streets, Lanes, Ways, Passages or Places, every Person so offending in any of the Matters aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

XXVI. And be it further enacted, That all and every the Bow For remov-
Windows, Porticoes, Porches and Penthouses, or other Projections which ing Obstruc-
now are or shall or may at any Time after the passing of this Act be erected tions and
Annoyances.

[*Loc. & Per.*]

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or

or set up, and all Posts, Shutters, Signs, Sign Posts, Shewboards, or other Emblems, to denote the Trade, Occupation or Calling of any Person or Persons, and all Spouts, Sewers, Gutters, Drains, Channels, Pales, Rails, Grates, Hatchways, Stalls; (except such Stalls as have been usual on Fair or Market Days), Wooden Horses, Blocks, Boxes, Bulks, Sheds, Hogstyes, Furniture, Stock in Trade, or any other Matters or Things whatsoever, which at the Time of passing this Act is or are or hereafter shall be erected, set or placed, and which in the Judgment of the said Commissioners, or any Seven or more of them, shall be deemed an Obstruction or Annoyance to any of the Inhabitants or Passengers, by projecting into or being placed upon any of the present or future Footways or Carriageways of such Streets, Squares, Roads, Ways, Lanes, and other publick Passages, or incumber or fill up the same, shall, within Twenty-eight Days after a Day to be expressed in a Notice to be for that Purpose given or left with the Owner or Occupier of the House or other Buildings or Lands to whom such Matters and Things aforesaid, or any of them, shall respectively belong, be taken down, carried away, filled up, removed or altered, by or at the Expence of the Owner or Owners thereof, under the Inspection and Direction of the Surveyor or Surveyors, or other proper Officer of the said Commissioners; and in case the respective Owner or Occupier shall neglect or refuse to obey such Notice, and to observe and perform the several Matters and Things hereby respectively required to be done within the Time aforesaid, then such Occupier shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings for every Day the same shall so remain undone; and it shall be lawful for the said Commissioners or any Seven or more of them to cause the same to be taken down, carried away, filled up, removed, altered and fixed in the Manner and for the Purposes aforesaid, and shall return or cause to be returned to the respective Occupiers thereof, or to be left on the Spot from whence the same shall be so respectively removed, or as near thereto as conveniently may be for such Occupiers, so much of such Matters and Things as aforesaid as shall not be affixed or set up, or otherwise made use of in the Alterations directed by this Act; and the Charges and Expences attending the same shall be recovered of the Occupiers thereof respectively, in the same Manner as the Penalties and Forfeitures inflicted by this Act are hereby directed to be recovered on Nonpayment; and if such Occupiers shall cause such Matters and Things to be replaced, erected, built, or made contrary to the Directions of this Act, every such Occupier or Occupiers, for every Day he, she, or they shall so offend, shall forfeit and pay any Sum not exceeding Forty Shillings, or otherwise it shall be lawful for the said Commissioners or any Seven or more of them as aforesaid, to order the same to be taken down, filled up, removed or altered in such Manner as they shall think proper, without giving any Notice to the Occupier or other Person offending therein; and the Charges and Expences attending the same shall and may be recovered of the Person or Persons so offending, in the same Manner as is last herein-before mentioned.

Cellar Doors
not to be left
open.

XXVII. And be it further enacted, That if any Cellar Door, Flap, Window, or Cover, within the said Town and Borough, shall be left open in the Evening or in the Night, without the same being sufficiently lighted or secured so as to prevent Accidents happening therefrom;
or

or if any Grating, Covering, Hole, or Place on the Pavement for putting Coals or other Things into any Cellar or other Place shall be left open, or not well and sufficiently fastened down and secured from Accidents, then and in each and every of the said Cases the Occupier or Occupiers of such Cellar or other Place shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXVIII. And be it further enacted, That no Surveyor, Builder, Carpenter, Mason, or any Workman, in rebuilding, new fronting or altering any House or Building situate in or near to any Street, Square, Road, Way, Lane, or other publick Passage within the said Town and Borough of *Oswestry* and the Liberties thereof, shall, on any Pretence whatsoever, bring the Foundation of any Part of the Front of such House or Building forward beyond the old Foundation, or beyond the Line of the Road, Street, Lane, Way, or publick Passage, nor any Rails or Fences except upon the Foundation or Line on which such are now erected, upon pain of forfeiting for every such Offence any Sum not exceeding Fifty Pounds, and the Owner or Occupier of such House or Building shall forfeit and pay any Sum not exceeding Five Pounds for every Month such Obstruction or Encroachment shall be made by reason of the Foundation or any Part of the Front of such House or Building, Rails, or Fences being brought forward as aforesaid; and it shall be lawful for the said Commissioners or any Seven or more of them, by Writing under their Hands, to order and cause the same to be taken down, the Costs and Charges whereof shall be paid and reimbursed to the said Commissioners or any Seven or more of them, or their Order, by the Owner or Occupier of such Houses or Buildings, or other Person or Persons ordering and directing the same, and shall be recovered in such Manner and by such Ways and Means as Penalties and Forfeitures are herein directed to be levied and recovered.

Regulation of Buildings.

XXIX. And be it further enacted, That if at any Time after the passing of this Act any Waggon, Cart, Dray, or other Carriage, used for the Purpose of conveying or carrying Goods, Wares and Merchandize, or any Materials whatsoever, shall be left or suffered to stand or continue in any of the publick Streets, Squares, Roads, Ways, Lanes, or other publick Passages within the said Town and Borough of *Oswestry* and the Liberties thereof, except for the sole and express Purpose of loading and unloading only, and in that Case only during the Time necessarily consumed in loading and unloading it; or if any Stage Coach, Post Chaise, or other Carriage let for Hire, shall be left or suffered to stand or continue in any of the said Roads, Streets, Lanes or other publick Passages or Places within the same or any Part thereof for a longer Time than shall be necessary for the taking up or setting down Passengers, or for loading or unloading their Baggage; or if any Carriage whatsoever shall be set, placed, or left upon any part of the Foot Crossings of any such Street, Square, Road, Way, Lane, or other publick Passage as aforesaid for any Purpose whatsoever; or if any Timber, Bricks, Stone, Slates, Tiles, Lime, Mortar, Hay, Straw, Wood, Faggots, Billets, Coals, Tubs, Goods, Wares, Merchandizes, Materials, or other Things whatsoever shall be laid, placed, or left in any such Street, Square, Road, Way, Lane, or other publick Passage longer than shall be necessary for the housing

Carriages not to be left in the Streets.

housing or removing the same therefrom, then and in every such Case the Owner or Owners of every such Waggon, Cart, Dray, Stage Coach, Post-Chaise or other Carriage, or of any such Timber, Bricks, Stone, Slates, Tiles, Lime, Mortar, Hay, Straw, Wood, Faggots, Billets, Coals, Tubs, Goods, Wares, Merchandizes, Materials, or other Things, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, and the same shall moreover be deemed Nuisances; and any one or more of the said Commissioners, or any one of their Officers, or any other Person without any Peace Officer or other Person present, or without any other Authority than this Act, shall and may seize or cause to be seized, any such Waggon, Cart, Dray, Stage Coach, Post-Chaise, or other Carriage so placed or suffered to stand or continue, contrary to the true Meaning of this Act, together with the Horse or Horses thereto belonging or affixed (if any), or the Timber, Bricks, Stones, Slates, Tiles, Lime, Mortar, Hay, Straw, Wood, Faggots, Billets, Coals, Boards, Tubs, Goods, Wares, Merchandizes, Materials, or Things so laid and placed as aforesaid, and remove the same or cause the same to be removed to any Pound within the said Town and Borough of *Oswestry*, or to such other Place as shall be appointed for that Purpose by the said Commissioners or any Three or more of them, within the said Town and Borough or the Liberties thereof, there to be kept and detained until the Owner or Owners thereof, or his, her, or their known Servant or Servants shall claim the same, and pay to the Person or Persons in whose Custody the same shall then be any Sum not exceeding Twenty Shillings, together with the Charges of keeping and removing the same; and in case the same shall not be claimed, and the said Penalty and Charges paid within the Space of Two Days next after such Seizure, it shall and may be lawful for the said Commissioners or any Three or more of them to cause the same to be sold, and the Money arising therefrom shall be applied to the Uses and Purposes of this Act; and the Overplus (if any) after deducting the Costs, Charges and Expences of such Distress and Sale, and the said Penalty, shall be returned upon Demand to such Person or Persons.

Regulating
the driving of
Carriages.

XXX. And be it further enacted, That if any Person shall at any Time from and after the passing of this Act, turn loose, or drive or permit or suffer to be turned loose or driven any Horse or As in any of the said Streets, Squares, Roads, Ways, Lanes or other public Passages, without being haltered, and having some Person to lead or take care of the same; or shall draw any Timber, Block or Blocks [of Wood or Stone, or other heavy Material in, upon, or through any of the said Streets, Squares, Roads, Ways, Lanes or other public Passages, without any Carriage, or with such Carriage, to the Detriment thereof, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Time for
emptying
Necessary
Houses.

XXXI. And be it further enacted, That no Necessary House or Privy, now being or which hereafter shall be within the said Town and Borough and the Liberties thereof, shall be emptied or cleansed at any other Time than between the Hours of Eleven of the Clock at Night and Five of the Clock on the next Morning; and if any Person or Persons shall empty or cleanse any such Necessary House or Privy at any other Time, then and

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in every such Case, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and if any Person or Persons shall wilfully or negligently spill any of the Soil of such Necessary House or Privy in any of the Streets, Squares, Roads, Ways, Lanes and other public Passages already made or built, or which shall hereafter be made or built, within the said Town and Borough and the Liberties thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

XXXII. And be it further enacted, That in case any Hogstye, Necessary House, Flesh, Dung, Carrion, Blood, Offal, Soil or Filth, Ashes, Cinders or Rubbish, or any other noisome Matter whatsoever in or near any of the said Streets, Squares, Roads, Ways, Lanes and other public Passages, or in any Yards or Gardens or Premises within the said Town and Borough of *Oswestry* and the Liberties thereof, shall annoy or be offensive to any of the Inhabitants or other Person or Persons, it shall and may be lawful for the said Commissioners or any Three or more of them, and they are hereby required upon Complaint thereof made to them by any such Inhabitant or other Person or Persons, by Notice in Writing under the Hands of the said Commissioners or any Three or more of them, or under the Hand of the Clerk or Clerks to the said Commissioners for the Time being, to order any such Nuisance or Offence to be removed; and in case the same shall not be removed within One Day after such Notice given to the Person or Persons who ought to remove the same, such Person or Persons shall forfeit and pay any Sum not exceeding Twenty Shillings for every Day the same shall continue unremoved after the Expiration or the said Term.

For removing
Nuisances.

XXXIII. And be it further enacted, That if the said Commissioners or any Seven or more of them shall adjudge that any Houses, Buildings, Lands, Tenements or Hereditaments or any Part thereof, project into or obstruct the Passage of the Roads, Streets, Lanes, Ways, Passages or Places within the said Town and Borough of *Oswestry*, or that by taking down the same or any Part thereof, or that by obtaining and taking in any Piece or Parcel of Ground, the said Streets, Squares, Roads, Ways, Lanes and other public Passages, or the Entrances thereto, may be widened, altered or improved, it shall be lawful for the said Commissioners or any Seven or more of them, in pursuance of an Order made at a public Meeting to be held for that Purpose, of which Seven Days Notice at least shall be given, also placed upon or against the Guildhall, or some public and conspicuous Place within the said Town and Borough of *Oswestry*, to treat and agree with the several Owners and Occupiers and all Persons whatsoever interested and willing to sell, for the Purchase of and to purchase such Houses, Buildings, Lands, Tenements, or Hereditaments which may be thought necessary to be taken down or reduced, so as to render the Streets, Squares, Roads, Ways, Lanes and other public Passages more commodious, and to pay for the same such Sum and Sums of Money as shall be agreed upon by the said Commissioners, or any Seven or more of them, and the Persons interested therein, out of the Money to arise by the Rates and Assessments herein-after directed to be levied, and to take down such Houses or Buildings, and throw the Scites thereof, and also such Pieces or Parcels of Ground, so to be purchased, as they the said

For purchas-
ing Premises
to render
Streets, &c.
more com-
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Commissioners

Commissioners shall think proper, into the said Streets, Squares, Roads, Ways, Lanes or other public Passages.

Enabling incapacitated Persons to sell.

XXXIV. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors or Administrators, Husbands, Guardians, Committees for Lunatics and Idiots or other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots or Femmes Covert, and to and for all Femmes Covert who are and shall be seised in their own Right, and to and for all and every Person or Persons whomsoever, who are or shall be seised in their own Right, or possessed of or interested in such Houses, Buildings, Lands, Tenements or Hereditaments or any Part thereof, which shall be thought necessary to be purchased for the Purposes aforesaid, or for any other of the Purposes of this Act, to treat, contract and agree with the said Commissioners or any Seven or more of them for the Sale thereof, or any Part thereof, and to sell and convey all or any Part thereof and all his, her or their Estate, Right, Title and Interest whatsoever of, in or to the same, unto the said Commissioners, or to such Persons and their Heirs for ever as the said Commissioners or any Seven or more of them shall direct in Trust for them the said Commissioners, for any of the Purposes of this Act; and that all Contracts, Agreements, Bargains, Sales and Conveyances which shall be so made by virtue and in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances and Assurances in the Law whatsoever, be good, valid and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim and Demand whatsoever of their said several respective Cestuique Trusts, and all claiming or to claim by, from or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees and all other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Application when the Compensation amounts to £200.

XXXV. And be it further enacted, That if any Money shall be agreed to be paid for any Lands, Tenements, Buildings or other Hereditaments, 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 or Persons under any Disability or Incapacity as aforesaid, such Money shall, in case the same shall amount to 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 the High Court of Chancery, to be placed to his Account *ex parte* the Commissioners for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, Buildings or other Hereditaments, in the Purchase of the Land Tax, or towards

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

XXXVI. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Lands, Tenements, Buildings or other Hereditaments purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, Buildings or other Hereditaments so purchased, taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-after directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Seven or more of the said Commissioners, (such Nomination and Appointment to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising therefrom may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application of Compensation Money when less than £200. and exceeding £20.

XXXVII. Provided also, and be it further enacted, That where such Money so agreed to be paid as next before-mentioned, shall be less than

the

Application where the Money is less than £20.

the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being be entitled to the Rents and Profits of the Lands, Tenements, Buildings or other Hereditaments so purchased, taken or used, for the Purposes of this Act, in such Manner as the said Commissioners or any Seven or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

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

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

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in the Possession of the Lands, &c. entitled.

XXXIX. Provided always, 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 Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, Buildings or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, Buildings, or Hereditaments, to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, Buildings or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, Buildings, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends and Interest of the Bank Annuities to be purchased with such Money.

Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the same Court, that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, Buildings, or Hereditaments, or to some Estate or Interest therein.

XL. Provided also, and be it further enacted, That where by Reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, Buildings or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, Buildings or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery 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 Court shall deem reasonable; to be paid by the said Commissioners out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money, for such Purposes as the said Court shall direct.

Court of Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

XLI. And be it further enacted, That the Surrender or Conveyance of any such Estate or Interest of any Feme Covert to the said Commissioners, or any Person or Persons in Trust for them, by Indenture or Indentures of Bargain and Sale, sealed and delivered by such Feme Covert in the Presence of and attested by Two credible Witnesses, and to be duly inrolled in His Majesty's High Court of Chancery within Six Calendar Months next after the making thereof, shall as effectually and absolutely convey the Estate and Interest of such Feme Covert in the Premises as any Fine or Fines, Recovery or Recoveries would or could do, if levied or suffered thereof in due Form of Law; and further, that all Bargains and Sales whatsoever to be made of any such Lands, Tenements, Buildings and Hereditaments, as shall be purchased by the said Commissioners by virtue and for the Purpose of this Act, and inrolled as aforesaid, shall have the like Force, Effect, and Operation in Law to all Intents and Purposes, as any Fine or Fines, Recovery or Recoveries whatsoever would have had, if levied or suffered by the Bargainer or Bargainers, or any Person or Persons seized of any Estate in the Premises, in Trust for such Bargainer or Bargainers in any Manner or Form whatsoever.

Mode of Conveyance.

XLII. And whereas some Part or Parts of the said Houses, Buildings, Lands, Tenements, or Hereditaments so to be purchased as aforesaid, may happen to be more than necessary to be made use of for the purposes of this Act; be it therefore further enacted, That it shall be lawful for any Seven or more of the said Commissioners, and they are hereby authorized and required to sell or dispose of, and to convey or cause to be sold or disposed of and conveyed, such Part or Parts of the said Houses, Buildings, Lands, Tenements or Hereditaments, to any Person or Persons willing to contract, agree for or purchase the same, and the Money arising therefrom, shall be paid and applied for the Purposes of this Act.

Commissioners empowered to sell Ground, &c. not necessary for the Purposes of the Act.

Former Proprietors to have the Preference of taking, renting, or purchasing the same.

XLIII. Provided always nevertheless, and be it further enacted, That the former Proprietor or Proprietors of such Part or Parts of the same Houses, Buildings, Lands, Tenements or Hereditaments, as may not be necessary to be made use of for the Purposes of this Act, shall have the Preference of purchasing, or taking or renting the same, if such former Proprietor or Proprietors, on Notice given to him, her, or them respectively of such Intention of the said Commissioners to sell, shall within Three Calendar Months, agree to pay as much Money for such Part or Parts of the said Hereditaments and Premises as shall have been or shall be offered by any other Person or Persons for the same; and if such Proprietor or Proprietors and the said Commissioners cannot agree in the Premises, the same shall be settled by any Two Justices of the Peace acting for the said County of *Salop*, and not residing within the Town and Borough of *Oswestry* aforesaid or the Liberties thereof.

Houses to be numbered.

XLIV. And be it further enacted, That the said Commissioners or any Seven or more of them shall and may, and they are hereby authorized and empowered to cause to be placed in some conspicuous Part of some House or Building at or near each End, Corner, or Entrance of the several and respective Streets, Squares, Roads, Ways, Lanes, and other public Passages already made or built, or which shall hereafter be made or built within the said Town and Borough of *Oswestry*, the Name of or by which every such Street, Square, Road, Way, Lane, and other public Passage is usually or shall be called or known, and also shall and may cause any House, Shop, Warehouse or Building in the same Streets, Squares, Roads, Ways, Lanes, and other public Passages, to be marked and numbered in such Manner as they shall think proper for distinguishing the same; and if any Person shall wilfully and maliciously destroy, pull down, injure, obliterate or deface such Mark or Number, or the Name or Names of the same Streets, Squares, Roads, Ways, Lanes and other public Passages, or any of them, or any Part thereof, or cause or procure the same to be done, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Sewers and Drains.

XLV. And be it further enacted, That the said Commissioners or any Seven or more of them shall and may cause such and so many new Channels, Sewers, Drains, Vaults, Floodgates, Watergates, Culverts and Watercourses, as they may think sufficient and necessary to be dug and made, in, along or across any of the said Streets, Squares, Roads, Ways, Lanes, and other public Passages, or in any of the Lands and Grounds within the said Town and Borough and of the Liberties thereof, and also any of the Channels, Sewers, Drains and Vaults, which now are or hereafter shall be made within the said Streets, Squares, Roads, Ways, Lanes and other public Passages, and Places to be enlarged, widened, raised, altered, removed, repaired, cleaned or scoured, when and as often as to the said Commissioners or any Seven or more of them shall seem meet, and for any of the said Purposes shall and may from Time to Time cause to be dug, carted and carried out of or brought into the said Roads, Streets, Lanes, Ways, Passages and Places, or any of them, such Gravel, Stones, Bricks and other Materials as they shall think necessary; and also shall and may cause such and so many Gutters or Openings to be made therein for the conveying,

conveying and carrying off the Filth, foul and other Waters, from the Houses built or to be built in or adjoining to such Streets, Squares, Roads, Ways, Lanes, and other public Passages and Places, into the said Sewers, Drains, and Vaults, as the said Commissioners or any Seven or more of them shall and may think necessary and expedient for that Purpose; and the said Commissioners or any Seven or more of them shall have also full Power, Liberty and Authority, to contract and agree to purchase such Ground as shall be necessary for making and enlarging such Sewers, Drains and Vaults, Floodgates, Watergates, Culverts and Watercourses, they the said Commissioners paying to the several Persons or Corporations interested in such Ground so to be purchased, such Monies as shall be agreed upon (which Agreement shall be good and valid, notwithstanding any Disability in any Person or Persons or Corporations interested therein); and all Costs, Charges and Expences in and about the making, enlarging, widening, raising, altering, removing, repairing, cleansing or scouring such Sewers, Drains, Vaults, Floodgates, Watergates, Culverts and Watercourses, shall be borne and defrayed out of the Monies to be raised by the Rates or Assessments to be made by virtue of this Act.

XLVI. And be it further enacted, That all private Drains which are or which shall hereafter be made within any of the Streets, Squares, Roads, Ways, Lanes and other public Passages within the said Town and Borough of *Oswestry* and the Liberties thereof, and which do or shall issue or empty themselves into any of the Roads, Streets, Lanes, Ways, Passages or Places aforesaid, or into any public Sewer, Drain or Vault, shall from Time to Time be repaired and cleansed to the Satisfaction of the Surveyor or other proper Officer of the said Commissioners (as the Case may happen), at the Costs and Charges of the Owner or Owners, Occupier or Occupiers of the Houses, Lands, Tenements or Hereditaments to which the said private Drains do and shall respectively belong; and the said Commissioners or any Seven or more of them at any Meeting to be held in pursuance of this Act, are hereby empowered to order and direct the Owner or Occupier of any such House, Tenement or Premises, to make, at the Costs and Charges of such Owner or Occupier, or of both of them, in such Proportions as such Commissioners shall think proper, such Drain or Channel as to them shall seem necessary for the emptying and conveying such Filth, foul and other Waters arising from or flowing into such Houses or Tenements into any Common Sewer or Drain.

XLVII. Provided always, and be it further enacted, That if any Water shall by means of the said Floodgates, Watergates, Culverts and Watercourses, so to be made as aforesaid, or any of them, be diverted or turned out of its proper and usual Course above the said Town and to the North thereof, such Water shall be turned and restored into its present and usual Course, so as the same shall be brought into a certain Pool or Basin in or near the said Town of *Oswestry*, commonly called or known by the Name of *Bickerton's Pool*; any Thing herein contained to the contrary thereof notwithstanding.

XLVIII. And be it further enacted, That it shall be lawful for the said Commissioners or any Seven more of them, and they are hereby empowered and authorized from Time to Time to cause Lamp Irons or Lamp Posts

Private
Drains.

Water for
Bickerton's
Pool to be
preserved.

Lamps.

to be put up, fixed into, upon or against the Ground adjoining to or the Walls or Passadoes of any of the Houses, Tenements or Buildings already built or hereafter to be built within the said Town and Borough, as they the said Commissioners or any Seven or more of them shall from Time to Time think proper and convenient; and also to cause such Number of Lamps of such Sizes and Sorts to be provided and fixed or put upon such Lamp Irons or Lamp Posts, and to cause the same when so provided and fixed, to be altered, taken down or removed as they shall from Time to Time think proper, for well and effectually lighting the said Town and Borough of *Oswestry*, and to cause such Lamps to be lighted at such Time or Times, and to be kept lighted during the Whole or such Part of the Night as they the said Commissioners or any Seven or more of them shall think proper; and if any Person or Persons shall wilfully take away, break, throw down or otherwise damage any of the Lamps which now are or shall be erected by or by Order of the said Commissioners or any Seven or more of them, or any of the Posts, Irons, or Furniture thereof, or shall wilfully extinguish the Light or Lights of any of the said Lamps, it shall be lawful for any Justice of the Peace for the said Town and Borough, and he is hereby required upon Complaint of any One or more of the said Commissioners, or of their Clerk or Clerks, Treasurer or Treasurers, and on the Oath of One or more credible Witness or Witnesses of any such Offence; to issue a Warrant for apprehending the Party accused, or it shall be lawful for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said Town and Borough; and the Party accused being brought before any such Justice, on Oath being made before him that such Party cannot be found, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching such Offence; and if the Party accused shall be convicted of such Offence, either by his, her or their own Confession, or upon Information and Oath as aforesaid; he, she or they so convicted shall for every Offence respectively forfeit and pay any Sum not exceeding Five Pounds, and full Satisfaction (to be ascertained by such Justice) shall be made to the said Commissioners, or to their said Treasurer or Treasurers, Clerk or Clerks; by such Offender or Offenders, for the Damages so by him, her or them done; and in case such Offender or Offenders shall not, upon Conviction, pay the Forfeiture by him, her or them incurred, and make such Satisfaction as aforesaid, the Justice before whom such Offender or Offenders shall be so convicted is hereby required to commit him, her, or them to the Common Gaol or House of Correction for the said Town and Borough, or of the County of *Salop*, there to be kept to hard Labour for any Time not exceeding Six Calendar Months, and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she or they shall be committed, unless such Forfeiture and Satisfaction shall be sooner paid and given; and One Half of the said respective Forfeitures, when recovered, shall be paid to the Informer or Informers, and the other Half thereof shall be applied for the purposes of this Act; and if any Person or Persons shall negligently or accidentally break, throw down

down or otherwise damage any of the said Lamps, or any of the Posts, Irons or other Furniture thereof, and shall not upon Demand made by the said Commissioners or any Three or more of them, or by their Treasurer or Treasurers, Clerk or Clerks, make Satisfaction to them or to one of them for the Damages by such Person done, it shall be lawful for any Justice of the Peace for the said Town and Borough, and he is hereby required, upon Complaint thereof made by any one of the said Commissioners, or by their Clerk or Clerks, Treasurer or Treasurers, to summon the Party complained of, and upon his, her or their 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, her or their Dwelling-house or Place of Abode, if known, or that he, she or they could not be found), such Justice shall proceed to examine the Cause of such 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, her or them done as to such Justice shall appear just and reasonable, and shall cause the Sum so awarded, in case the same be not paid forthwith upon the making of such Award and Order, to be recovered by Distress and Sale of the Goods and Chattels of the Person or Persons complained of, rendering to him, her or them upon Demand the Overplus (if any be), after the Charges of prosecuting such Complaint, and of such Distress and Sale, shall be deducted.

XLIX. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of from Time to Time, at any of their Meetings, to contract and agree with any Person or Persons for paving, repairing, raising, lowering, widening, watering, regulating, cleansing and improving all or any of the said Streets, Squares, Roads, Ways, Lanes and other public Passages, within the said Town and Borough of *Oswestry* or any Part or Parts thereof, and also for providing a sufficient Number of Lamps necessary to be fixed up in the said Town and Borough, and Lamp Irons, Posts and other Materials, necessary or convenient for fixing the same from Time to Time, and for providing and furnishing the same Lamps with all Requisites, and for lighting, supporting, amending and repairing the same.

Commissioners may contract for paving.

L. And be it further enacted, That the said Commissioners or any Seven or more of them shall and may, and they are hereby authorized and required from Time to Time as they shall think necessary, to order, establish and appoint such Number of Watchmen and Beadles as they shall judge necessary to be kept and employed in or about the said Town and Borough of *Oswestry*, and likewise direct and appoint how and where the several Watchmen and Beadles shall be stationed, and in what Manner they shall be armed, how often they shall go their Rounds, how long they shall continue upon Duty, and what Wages shall be allowed to such Watchmen and Beadles for their Service; and shall and may also erect and provide proper Places, Boxes or Watch-houses, for the Reception of such Watchmen and Beadles as aforesaid, and shall make Orders and Regulations from Time to Time for the better Direction and Government of such Watchman and Beadles, and for other Purposes last-mentioned, such Orders and Regulations to be printed, and Copies thereof

Watchmen.

[Loc. & Per.]

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signed

signed by the said Commissioners or any Seven or more of them, or their Clerk or Clerks for the Time being; and it shall be lawful for such Watchmen and Beadles, and they are hereby authorized and required to keep Watch and Ward within the said Town and Borough of *Oswestry*, to arrest, apprehend and detain in Prison, Watch-house, or some other convenient Place of Security within the said Town and Borough, to be provided and appointed by the said Commissioners, all Disturbers of the public Peace, disorderly Persons, Vagrants, Beggars, and all such other Persons as shall be found misbehaving themselves, and shall take them within Twenty-four Hours (or as soon as conveniently may be) before any one of His Majesty's Justices of the Peace acting in and for the said Town and Borough, to be examined and dealt with according to Law; and the said Beadles shall, as often in every Night as shall be ordered by the said Commissioners, go about their respective Districts and Rounds, to take Notice whether all the Watchmen perform their Duty in their several Stations according to such Orders and Regulations as shall be made and provided by the said Commissioners; and in case any Watchman shall misbehave himself or neglect his Duty, the said Beadles shall as soon as conveniently may be give Notice thereof to the Clerk or Clerks for the Time being to the said Commissioners, who is and are hereby authorized to suspend such Watchman from the Execution of his Office, and appoint another Person to officiate therein until the next Meeting of the Commissioners, when the said Clerk or Clerks shall acquaint the Commissioners assembled at such Meeting with the Complaint against such Watchmen, in order that they may proceed to the Examination of the Offence or Charge; and such Watchmen, moreover, shall be subject and liable to such Penalty for every such Neglect or Misbehaviour as is next herein-after expressed.

Watchmens
Duty.

LI. And be it further enacted, That if such Watchmen and Beadles, or any of them, shall not observe, perform, and keep the Orders, Rules and Regulations which shall be made for the Purposes aforesaid by the said Commissioners, or shall in any Manner neglect their Duty or misbehave themselves, every Person so offending shall forfeit and pay for every such Neglect or Offence any Sum not exceeding Twenty Shillings; and also, if the said Commissioners or any Seven or more of them shall think proper, shall be immediately discharged from his or their respective Office or Employment.

Penalty on
harbouring
Watchmen.

LII. And be it further enacted, That if any Victualler, Publican or other Person selling or dealing in Spirituous or other Liquors, shall entertain or harbour in his, her, or their House or Habitation or Shop, any Watchman, to be appointed under this Act, during any of the Hours or Times appointed for such Watchmen to be on Duty by virtue or in pursuance of this Act, then every such Victualler, Publican or other Person, shall forfeit and pay any Sum not exceeding Twenty Shillings for the First Offence, and not exceeding Forty Shillings for the Second Offence, and not exceeding Five Pounds for the Third and every other Offence.

Watering the
Streets.

LIII. And be it further enacted, That the said Commissioners shall have full Power and Authority to cause the said Streets, Squares, Roads, Ways,

Ways, Lanes and other public Passages to be watered as often as they shall think fit, and also cause any Well or Wells to be dug and sunk, and any Pump or Pumps to be erected in such Places as they shall think proper, within the Streets, Squares, Roads, Ways, Lanes and other public Passages, for the Purpose of watering the same, or for any other Purpose, and to cause the same to be removed or altered, and the Expences thereof to be defrayed out of the Monies to be raised by this Act.

LIV. And be it further enacted, That if any Person or Persons shall at any Time or Times obstruct, hinder or molest any of the Commissioners, or any Surveyor or Surveyors, Collector or Collectors, Watchmen or Beadles, or other Officer or Officers, Workmen, Person or Persons whomsoever, who is, are, or shall be employed by virtue of this Act, in the Performance or Execution of their Duty, or any of the Matters and Things to be done by virtue and in pursuance hereof, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on
Persons ob-
structing the
Commission-
ers.

LV. And be it further enacted, That the Charges and Expences of lighting and watching the said Roads, Streets, Lanes, Passages and Highways within the said Town and Borough of *Oswestry*, shall at all Times be borne and defrayed by the Tenants or Occupiers of Houses, Shops, Malshouses, Warehouses, Coach-houses, Stables, Yards, Gardens, Cellars, Vaults and other Buildings and Hereditaments within the said Town and Borough; and that the Charges and Expences of paving, cleansing, watering, improving and regulating the said Roads, Streets, Lanes, Passages and Highways within the said Town and Borough, and otherwise putting this Act into Execution, shall at all Times be borne and defrayed by the Tenants or Occupiers of all the Lands, Tenements, Houses, Shops, or Malshouses, Warehouses, Coach-houses, Yards, Gardens, Stables, Cellars, Vaults, or other Buildings and Hereditaments within the said Town and Borough of *Oswestry* and the Liberties thereof; and the said Commissioners or any Seven or more of them shall and they are hereby authorized, empowered and required, once in every Year after the passing of this Act, or oftener if they or any Seven or more of them shall think it necessary, to make one or more separate Rate or Rates, Assessment or Assessments, to be signed by any Seven or more of the said Commissioners, upon the Tenants or Occupiers of all such Houses, Shops, Malshouses, Warehouses, Coach-houses, Yards, Gardens, Stables, Cellars, Vaults, Buildings or Hereditaments in the said Town and Borough of *Oswestry*, for the Purpose of defraying the Charges and Expences of lighting and watching the same as aforesaid; and also to make one or more other separate Rate or Rates, Assessment or Assessments, to be signified by any Seven or more of the said Commissioners, upon the Tenants or Occupiers of all Lands, Tenements, Houses, Shops, Malshouses, Warehouses, Coach-houses, Yards, Gardens, Stables, Cellars, Vaults, Buildings and Hereditaments in the said Town and Borough of *Oswestry*, and the Liberties thereof, for the Purpose of defraying the Charges and Expences of paving, cleansing, watering, improving and regulating the said Roads, Streets, Lanes, Passages and Highways, and otherwise carrying this Act into Execution as aforesaid, in the same Manner and in the same Proportions as the same Hereditaments and Premises respectively shall be rated.

Rates.

rated and assessed for the Time being, towards the Relief of the Poor within the said Town and Borough and the Liberties thereof; and so as the whole Sum to be raised under both of the said Rates or Assessments respectively do not exceed in any one Year the Sum of Two Shillings in the Pound, the Quotas or Proportions of which Sum shall be fixed and settled by such Commissioners or any Seven or more of them; and the Money or Monies so rated or assessed on the said Tenants or Occupiers, shall be paid by them respectively to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners to collect the same; and if any Tenant or Occupier of any of the Premises aforesaid shall neglect or refuse to pay his or her Proportion or Proportions of any of the said Rates or Assessments respectively to the said Collector or Collectors, or other Person or Persons, for the Space of Ten Days after Demand made thereof, the same shall and may be levied and recovered on 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 one or more Justice or Justices of the Peace for the said Town and Borough; 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 what shall remain unsold, after deducting all Charges attending such Distress and Sale.

Rates may be raised.

LVI. Provided always, and be it further enacted, That if the said Commissioners or any Seven or more of them, shall deem it expedient and necessary, but not otherwise, they shall and may and they are hereby authorized and required from Time to Time to make a higher Rate or Assessment or Rates or Assessments for the several Purposes of this Act, than the Rate or Assessment or Rates or Assessments before mentioned, and in lieu thereof, so that such higher Rate or Assessment or Rates or Assessments shall not exceed Two-thirds of the actual Annual Value or Rack Rent of the several Lands, Tenements, Houses, Shops, Malshouses, Warehouses, Coach-houses, Stables, Yards, Gardens, Cellars, Vaults, Buildings or Hereditaments in the Town and Borough of *Oswestry* aforesaid and the Liberties thereof, on which the same is or are to be so made and levied respectively, and also that the Rate or Assessment or Rates or Assessments so made or to be made shall not exceed in the Whole in any one Year the Sum of Two Shillings in the Pound upon such higher Rate or Assessment or Rates or Assessments so made by the said Commissioners.

Rates on particular Inhabitants.

LVII. And be it further enacted, That no Person or Persons who shall or may be assessed to the Rate or Rates made for the Relief of the Poor within the said Borough at a Sum or Sums amounting in the whole to less than the Sum of Five Shillings, shall be liable to be assessed, or to pay any Rate or Rates under or by virtue of this Act: Provided always nevertheless, that the said Commissioners or any Seven or more of them, if they shall deem it expedient or think proper, shall and may from Time to Time assess or rate such last-mentioned Person or Persons, or any other Person or Persons, who for the Time being shall be an Occupier or Occupiers of any Lands, Tenements, or Hereditaments within the said Borough, to any Rate or Rates to be made under this Act, to a Sum

not exceeding Two-third Parts of the actual Annual Value or Rack Rent of the Premises and Hereditaments occupied by any such Person or Persons liable to the Payment of any Rate or Rates as aforesaid; and all and every such Rate or Rates shall be levied and recovered in the same Manner, and with the same Powers of Distress and Sale as herein-before mentioned.

LVIII. And be it further enacted, That in all Cases where any Person shall remove from or quit any Lands, Tenement, House, Warehouse, Shop, Cellar, Vault, Stable, Coach-house, Malthouse or other Buildings, Yard, Garden or Hereditaments which shall be rated or assessed by virtue of this Act, such Person shall be liable to pay such Rates or Assessments in proportion to the Time he or she occupied the same, in like Manner as if such Person or Persons had not removed or quitted the same; and in all Cases where any Person shall come into or occupy any such Lands, Tenement, House, Warehouse, Shop, Cellar, Vault, Stable, Coach-house, Malthouse or other Building, Yard, Garden or Hereditaments as aforesaid, out of or from which any other Person who shall have been rated or assessed for the same shall be removed, or which at the Time of making such Rate or Assessment was or were empty and unoccupied, the same shall, for and in respect of his, her or their Occupation thereof, be liable to any such Rate or Assessment in proportion to the Time he or she shall occupy the same, in the same Manner as if he or she had been originally rated or assessed for such Land, Tenement, House, Warehouse, Shop, Cellar, Vault, Stable, Coach-house, Malthouse or other Building, Yard, Garden or Hereditament, which said respective Proportions, in case of any Dispute concerning the same, shall be settled and ascertained by the said Commissioners or any Seven or more of them, in such Manner as they shall judge reasonable; and in case any Person who shall have been so rated and assessed as aforesaid shall quit his or her Land, Tenement, House, Warehouse, Shop, Cellar, Vault, Stable, Coach-house, Malthouse or other Building, Yard, Garden or Hereditament, before he or she shall have paid such Rate or Rates, or a proportionable Part or Parts thereof by him or her due and payable, and shall afterwards refuse or neglect to pay the same when demanded, it shall and may be lawful for the said Collector or Collectors, by Warrant under the Hand and Seal of any Justice of the Peace for the said Town and Borough, or for the County, Division, Liberty, Town or Place where such Person shall remove to or reside, or where any of his or her Goods and Chattels shall be found, (which Warrant such Justice is hereby required to grant, upon Proof made of the Sum so due before him upon Oath of a credible Witness or Witnesses), to levy such Rate or Rates, or a proportionable Part or Parts thereof, by Distress and Sale of the Goods and Chattels of such Person, rendering the Overplus arising from such Goods and Chattels (if any) upon Demand, after the Payment of the Money due in respect of such unpaid Rate or Rates or proportionable Part or Parts, and all Expences relating to the Recovery thereof, unto the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Proportion-
ing Rates
according to
Occupancy.

LIX. And be it further enacted, That every Person, being Land-
lord or Tenant, who shall let his or her House in separate Apartments
or ready furnished to any Lodger or Lodgers, or for any less Term than
[Loc. & Per.] 30 U a Year,

Rate on
Houses let
in separate
Apartments.

a Year, shall, for the several Purposes of this Act, be deemed and taken to be the Occupier thereof, and may be rated and assessed accordingly.

Division of Rates between Landlords and Tenants.

LX. And be it further enacted, That the said Sum and Sums of Money so to be rated or assessed as aforesaid, shall be paid by the Tenants or Occupiers of the Premises respectively which shall be so rated or assessed, and for and during the Term of Twelve Years from and after the making of the first Rates or Assessments respectively after the passing of this Act, such Tenants or Occupiers shall and may deduct and retain out of the Rents by them payable to the Landlords or Owners of such Premises respectively, One Moiety or Half Part of such Sum or Sums of Money as shall be so rated or assessed, when the same shall have been so paid by them as aforesaid; and the said Landlords or Owners, mediate or immediate, are hereby required to allow to their respective Tenants such Moiety accordingly; and such Tenants or Occupiers shall respectively be acquitted and discharged for such Moiety in such Manner, and as fully and effectually as if the same had been actually paid as Rent to such Landlords or other Persons respectively entitled to their Rent.

Borrowing Money.

LXI. And, for the more speedily and effectually enabling the Commissioners to execute the Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners or any Seven or more of them, and they are hereby empowered from Time to Time when they shall judge necessary, for the Purpose of carrying this Act into Execution, to borrow and take up at Interest any Sum or Sums of Money not exceeding in the Whole the Sum of Three thousand Pounds, upon the Credit of the Rates or Assessments herein-before granted or authorized to be laid, collected, or received, and by any Writing or Writings under their Hands and Seals, to mortgage, demise, grant, or assign over the said Rates or Assessments, or any Part or Parts thereof, to the Person or Persons who shall advance or lend such Money, or their Trustee or Trustees, as a Security or Securities for the Money so to be borrowed, together with lawful Interest for the same; and every such Mortgage or Assignment shall be in the Words or to the Effect following; (that is to say),

Form of Mortgage.

‘ BY virtue of an Act passed in the Forty-ninth Year of the Reign of His Majesty King George the Third, intituled, *An Act* [here insert the Title of this Act] We, Seven of the Commissioners appointed by and in pursuance of the said Act, in consideration of the Sum of advanced and lent by *A. B.* upon the Credit and for the Purposes of the said Act, do grant, bargain, sell and demise unto the said *A. B.* his Executors, Administrators, and Assigns, 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 may at any Time become due and owing or charged upon the Credit of the said Act, to be had and holden from this Day of in the Year until the said Sum of with Interest at the Rate of Five Pounds *per Centum per Annum* for the same shall be repaid and satisfied. In Witness whereof we have hereunto set our Hands and Seals this Day of in the Year of our Lord

And

And every such Grant or Mortgage shall be good, valid, and effectual in the Law; and Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers to the said Commissioners, and which said Book or Books shall and may, at all seasonable Times, be perused and inspected without Fee or Reward, by any Person or Persons entitled to any such Mortgage, or paying to the said Rates or Assessments; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, or Interest, in or to such Mortgage, and the Principal Money and Interest thereby secured, to any Person or Persons whomsoever, by indorsing on the Back of such Mortgage Security, and in the Presence of One or more credible Witness or Witnesses, the following Words, or Words to the Effect following; (that is to say),

‘ THE within-named *A. B.* [*or, I, C. D. Assignee, Executor, or Administrator of the within-named A. B. as the Case may be*] do hereby transfer this Mortgage Security, with all my Right and Title to the Principal Money thereby secured, and to all Interest now due upon the same, unto *E. F.* his Executors, Administrators and Assigns. Dated this Day of

Form of
Assignment.

Which Transfer shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, within Two Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books, for which Entry the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings, and no more; and such Transfer shall then entitle such Assignee, his Executors, Administrators and Assigns, to the Benefit of such Mortgage Security and Payment thereon; and every such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons (except such as the same shall be last transferred to) to release, discharge, or make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made as aforesaid, shall in proportion to the Sum or Sums of Money thereby secured, be Creditors on the Rates by this Act granted in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing their Monies, or of the Dates of their Securities.

LXII. And be it further enacted, That all the Money to arise by or from the Rate or Rates, Assessment or Assessments, and which may be borrowed on the Credit thereof, and all Penalties and Forfeitures to be recovered or levied by virtue of this Act, and not hereby otherwise disposed of, shall be paid to the said Commissioners or to such Person or Persons as they or any Seven or more of them shall appoint, to be applied and disposed of in the first Place towards paying and defraying all Expences and Charges which shall be incurred, or in any Manner incident to, and attending the Application for and obtaining and passing of this Act; and in the next Place in paying and discharging the Principal Monies to be borrowed as herein mentioned, and the Interest thereof,

Application
of Monies
raised.

and.

and for and towards defraying the Charges and Expences of paving, cleansing, lighting, watching, watering, improving and regulating the Streets, Squares, Roads, Ways, Lanes, and other publick Passages within the said Town and Borough of *Oswestry*, and the Liberties thereof, for removing and preventing Nuisances, Obstructions, and Encroachments therein, in Manner hereby directed, and in paying and defraying all Expences which the said Commissioners and their Officers shall of necessity be put to in carrying this Act into Execution, and for such other Uses and Purposes as are herein expressed, and to and for no other Use, Intent or Purpose whatsoever.

Books of the Commissioners may be inspected.

LXIII. And be it further enacted, That it shall be lawful for any Person or Persons, having an Order in Writing under the Hands of the said Commissioners or any Three or more of them for that Purpose, to inspect and take Copies and Extracts of any Rates made for the Relief and Maintenance of the Poor within the said Town and Borough of *Oswestry* and the Liberties thereof, which Inspections, Copies and Extracts the Person or Persons having the Custody of such Rates or Books of Rates respectively, is and are hereby required to permit and suffer to be made without Fee or Reward, by such Person or Persons appointed as aforesaid, upon his, her, or their producing an Order under the Hands of the said Commissioners or any Three or more of them as aforesaid; and in case any Person or Persons having the Custody of any Rate or Books of Rates shall neglect or refuse to do so within the Space of Five Days after such Order shall be so produced or shewn to him or them, or a Copy thereof left at his or their last or most usual Place of Abode, he or they shall for the First Offence forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Five Pounds.

LXIV. And, for the more easy Conviction of Offenders against this Act, be it further enacted, That the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, or against any Rule, Order, or Regulation to be made by virtue or in pursuance thereof, shall or may cause the Conviction to be drawn in the Words or to the Effect following; (that is to say),

Form of Conviction.

‘ **BE** it remembered, That on the _____ Day of _____
 ‘ in the Year of Our Lord _____ *A. B.* is con-
 ‘ victed before me [*or, us*] _____ of His Majesty’s
 ‘ Justices of the Peace for the Town and Borough of *Oswestry*, of having
 ‘ [*as the Offence shall be*] and I [*or, we*] the said _____ do
 ‘ adjudge him [*her, or, them*] to forfeit and pay for the same the Sum of _____
 ‘ _____ Given under my Hand and Seal [*or, our Hands and*
 ‘ _____ Seals] the Day and Year aforesaid.’

Appeal.

LXV. Provided always, and be it further enacted, That if any Person or Persons, Bodies Politick or Corporate, shall think himself, herself, or themselves aggrieved by any Rate or Rates, Assessment or Assessments, or any other Matter or Thing done or to be done in pursuance of this Act, such Person or Persons, Bodies Politick or Corporate, shall apply for Relief to the said Commissioners at any Meeting to be held within

One Calendar Month next after Demand made of such Rate or Rates, Assessment or Assessments, or next after any such Matter or Thing done and committed by or by Order of the said Commissioners or any of them; and such Commissioners are hereby authorized and empowered (if they shall think such Person or Persons aggrieved) to give such Relief in the Premises as to them shall seem necessary; and if such Person or Persons, Bodies Politic or Corporate, shall not be satisfied with the Determination of such Commissioners, he or she shall be obliged to pay such Rate or Rates, Assessment or Assessments, and to comply with such Order of the said Commissioners, and then shall and may appeal to the General Quarter Sessions of the Peace to be holden for the said Town and Borough within Four Calendar Months next after such Determination of the said Commissioners, such Appellant giving or causing to be given Eight Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks to the said Commissioners, and within Two Days next after such Notice, entering or causing a Recognizance to be entered in before some Justice of the Peace for the said Town and Borough, by Two sufficient Persons or Sureties conditioned to try such Appeal and abide the Order thereon, and to pay such Costs as shall be awarded by such Justices at such Quarter Sessions; and such Justices, upon due Proof of Notice being given as aforesaid, and of entering into such Recognizance, shall hear and determine the Causes and Matters of such Appeal in a summary Way, and shall or may award such Costs to the Parties appealing or appealed against as the Justices shall think proper; and the Determination of such Justices at their said General Quarter Sessions shall be binding and conclusive.

LXVI. Provided always, and be it further enacted, That on any Appeal from any Rate or Assessment to be made for the Purposes of this Act, the Justices at such General Quarter Sessions shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rate or Assessment with respect to other Persons mentioned in the same; but if upon Appeal from the whole Rate or Assessment it shall be found necessary to set aside the same, then and in such Case the said Justices shall and may order a new Rate or Assessment to be made in the Manner herein directed.

Rates appealed against, may be amended.

LXVII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, the Manner of levying and recovering whereof is not hereby otherwise particularly directed, shall be by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any one Justice of the Peace for the said Town and Borough of *Oswestry*, (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party or Parties, or upon Information of any One or more credible Witness or Witnesses upon Oath, which Oath such Justice is hereby empowered to administer), and the Penalties and Forfeitures when recovered shall be paid to the Treasurer or Treasurers, or such other Person or Persons as the said Commissioners or any Seven or more of them at any Meeting shall appoint for that Purpose, and be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required by Warrant under

Recovery of Penalties and Forfeitures.

[*Loc. & Per.*]

30 X—Y

his

his Hand and Seal to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction for the said County of *Salop*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months nor less than Fourteen Days, unless such Penalties and Forfeitures and all reasonable Charges shall be sooner fully paid and satisfied.

Inhabitants
may be Wit-
nesses.

LXVIII. And be it further enacted, That in all Actions, Prosecutions, Informations, and Causes of Proceedings whatsoever, relating to or concerning the Execution of this Act, no Inhabitant of the said Town and Borough of *Oswestry* shall be deemed incompetent to give Evidence by reason of his or her being such Inhabitant, or by reason of his or her being rated or assessed to or paying any of the Rates or Assessments to be imposed by virtue of this Act.

For com-
pelling Wit-
nesses to
attend.

LXIX. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before the Commissioners or any Three or more of them, or any Justice or Justices of the Peace in and for the said Town and Borough, or in and for the said County of *Salop*, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, or against any Rate or Order made in pursuance thereof, whether on the Part of the Prosecutors or the Person or Persons complained of, and which Summonses the said Commissioners or any Three or more of them, and also such Justice or Justices as aforesaid, are hereby authorized to issue, where and in such Cases only as such Commissioners or any Three or more of them, or such Justice or Justices of the said Town (as the Case may be) are made competent by this Act to hear and determine the same; or if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence at any General Quarter Sessions of the Peace for the said Town and Borough or Adjournment thereof, upon any Appeal by virtue of this Act, as hereinbefore is mentioned, whether upon the Part of the Appellant or Respondent, and any such Person or Persons, so summoned as aforesaid, shall refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for such his, her, or their Refusal or Neglect, to be approved by such Justice or Justices of the Peace or Commissioners as aforesaid, or at any such Sessions or Adjournment thereof, then and in either of the said Cases every such Person or Persons shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Distress not
unlawful for
want of Form.

LXX. 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 to be unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers *ab initio* on Account of any Defect or Want of Form in the Summons or other Proceedings relating thereto, nor shall any Party or Parties be deemed a Trespasser or Trespassers *ab initio* on Account of any Irregularity which shall afterwards be done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case; provided that no Plaintiff or Plaintiffs shall recover in any Action or Actions for such Irregularity, unless Notice in Writing shall be given Eight Days before such Action shall be commenced of such intended Action, signed by the Attorney for the

the Plaintiff, specifying the Cause of such Action; nor shall the Plaintiff recover in such Action, if sufficient Tender of Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by leave of the Court after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgement shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

LXXI. And be it further enacted, That no Order, Verdict, Assessment, Judgement or other Proceedings made, touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders 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 Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Proceedings
not to be
quashed for
want of Form.

LXXII. Provided always, 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 by Order of the said Commissioners, or any Three or more of them, until Eight Days Notice shall be thereof given to the Clerk or Clerks to the said Commissioners, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Three Calendar Months after the Fact committed; and every such Action or Suit shall be laid or brought in the County or Place where the Matter shall arise and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may at his or their Election plead specially or plead the General Issue, or give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought before Eight Days Notice shall be thereof given, or after a sufficient Satisfaction thereof made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover such Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases of Law.

Limitation
of Actions.

LXXIII. And be it further enacted, That the said Commissioners, or any Seven or more of them, from Time to Time if they shall see Cause, shall and may offer, pay, and apply out of the said Rates and Assessments to be raised by virtue of this Act, such Sum and Sums of Money as they shall see proper, as a Reward and Encouragement to Persons discovering apprehending, or convicting Offenders against this Act.

Reward to
Persons dis-
covering
Offenders
against the
Act.

Saving
Rights of the
Lords of the
Manor.

LXXIV. And be it further enacted, That nothing in this Act contained shall extend to affect the Rights or Privileges of the Lords of the said Town and Borough of *Oswestry*.

Publick Act.

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

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