



ANNO QUINQUAGESIMO

# GEORGI II. REGIS.

\*\*\*\*\*

## Cap. 40.

An Act for paving and otherwise improving the Streets and other publick Passages within the Town of *Pontefract*, in the County of *York*, for better supplying the said Town with Water, and for altering and amending an Act, passed in the Twentieth Year of His present Majesty, intituled, *An Act for dividing the Park of Pontefract, in the County of York*, and for other Purposes therein mentioned.

[18th April 1810.]

**W**HEREAS the Streets and other publick Passages and Places within the Town or Borough of *Pontefract*; in the County of *York*, are in very bad repair, and not properly paved, lighted, cleansed or watered, and are subject to various Encroachments, Obstructions, Nuisances, and Annoyances, and are in some Parts narrow and incommodious for Passengers and Carriages: And whereas it would add greatly to the Benefit and Convenience of the Inhabitants of the said Town or Borough of *Pontefract*, and to all Persons resorting to and travelling through the same, if the said Streets and other publick Passages and Places were properly paved, lighted, cleansed, and kept free from Encroachments, Obstructions and Annoyances, and if the narrow Parts thereof were widened and rendered more commodious, and if proper Conveniences and Communications were made betwixt some of the said Streets and other Passages and Places, and if some Provisions were made for establishing a Watch in the said Town of *Pontefract*: And whereas an Act was passed in the Twentieth Year of the Reign of His present

[*Loc. & Per.*]

10 T

Majesty,

Majesty, intituled, *An Act for dividing the Park of Pontefract, in the County of York, and for other Purposes therein mentioned*: And whereas by virtue of the said Act a certain Portion or Allotment of Ground, Part of the said Park, containing three hundred and twenty-five Acres, was vested in the thirty-three Male Inhabitants of the Township of *Pontefract* for the Time being, of the Age of Twenty-one Years or upwards, whose respective Estates should be the highest assessed to the Pools Rates within the same Township, and Four Male Inhabitants of the Township of *Tanshelf* for the Time being, of the Age aforesaid; whose Estates should be the highest assessed to the Pools Rates within the said Township of *Tanshelf*, in Trust for the sole Benefit of the Inhabitants of the said Townships of *Pontefract* and *Tanshelf* for the Time being for ever, and to be holden, used, and enjoyed by the said Inhabitants in such Manner and Form, and subject to such Conditions, Regulations and Restrictions, as are therein contained and provided for that Purpose: And whereas it has been found by Experience that the several Powers contained in the said Act are insufficient to prevent Frauds in stocking the said Portion or Allotment, and the Benefits arising therefrom are but partially enjoyed by the said Inhabitants, and that it would tend to the better regulating, managing and cultivating of the said Allotment, and more to the Benefit and Advantage of the said Inhabitants, if the several Alterations and Amendments hereinafter contained were passed into a Law; but, as these several Objects cannot be obtained without the Aid of Parliament, May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Thirty-three Persons, Inhabitants of *Pontefract*, and such of the four Persons, Inhabitants of *Tanshelf*, as are Owner or Owners of House or Houses in *Pontefract*, who shall be Trustees for the Time being for the Improvement and Management of the said Pasture, as in the said recited Act and hereinafter is mentioned and set forth, shall be and they are hereby constituted and appointed Commissioners for carrying this Act into Execution: Provided always, that no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation hereinafter mentioned; which Oath or Affirmation the said Commissioners, or any Two or more of them, are hereby rendered competent and empowered to administer to each other at their first or any subsequent Meeting, to be holden in pursuance of this Act), until he shall have taken and subscribed an Oath, or being one of the People called Quakers, shall have made a solemn Affirmation to the following Effect:

Commission-  
ers,

to take the  
following  
Oath.

Oath.

“ I *A. B.* do swear [or affirm, as the Case may be], That I will truly  
 “ and impartially, according to the best of my Skill and Judgement,  
 “ execute and perform all and every the Powers and Authorities vested  
 “ and reposed in me, by virtue and in pursuance of an Act, made and  
 “ passed in the Fiftieth Year of the Reign of His present Majesty King  
 “ *George* the Third, intituled, An Act [here set forth the Title of this  
 “ Act.] “ So help me GOD.”

Commission-  
ers not to act  
if interested;

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 during

during the Time he shall hold any Office or Place of Profit under the said Commissioners (except the Treasurer and Clerk), or during such Time as he shall have any Share or Interest in any Contract or Works to be done relating to the Execution of any of the Powers of this Act; but it shall nevertheless be lawful for the Mayor and Aldermen of the said Borough of *Pontefract* for the Time being, to act as Justices of the Peace in the Execution of this Act within the said Borough, notwithstanding their being Commissioners, (except in such Cases where they are respectively concerned in Interest), and that in all Cases where Cognizance is given by this Act to any Justice or Justices of the Peace, it shall be lawful for any such Justice or Justices to administer an Oath to any Person or Persons for more certain Information in the Complaint, Information, or other Matter depending before him or them; and that in every Action or Suit to be instituted by the said Commissioners, or brought against them, as well as in every Information or Complaint before such Justice or Justices, and also upon every Appeal or Hearing whatsoever, no Inhabitant of the said Borough of *Pontefract* shall be an incompetent Witness by reason of his or her being charged to and paying any Rate or Rates, imposed, raised, levied, or collected by virtue of this Act, or any other Rates within the said Borough.

but may act  
as Justices.

Inhabitants  
may be Wit-  
nesses.

III. And be it further enacted, That the said Commissioners shall meet at the Town Hall in the said Borough within one Month next after the passing of this Act, between the Hours of Ten in the Forenoon, and Two in the Afternoon, in order to put this Act into Execution, and shall and may then and from Time to Time afterwards adjourn themselves to and meet at the Place aforesaid, (not interfering with any other public Meeting or Business of the said Town or Borough), or at any other convenient Place within the said Borough, as shall be by them or the major Part of them present at such Meeting appointed for that Purpose, when and as often as it shall be necessary for putting this Act into Execution; and that such Commissioners, or any Seven or more of them assembled, as is herein mentioned and required, shall have the full Exercise of the Powers herein contained; and if at any Meeting appointed to be holden by virtue of this Act there shall not appear a sufficient Number of Commissioners to act in the Execution of the Powers herein contained, then Two of the Commissioners so assembled shall have Power, and they are hereby authorized to adjourn such Meeting to another Day; or in case the Commissioners so assembled shall omit or neglect to adjourn themselves, or shall adjourn for any longer Time than Twenty-one Days, then and in every such case the Clerk to the said Commissioners shall and he is hereby required, on Request of any Five or more of the said Commissioners, and their signifying to him the Business they propose to move or agitate, to call Special Meetings from Time to Time for the Purposes of this Act, giving or causing to be given at least Seven Days Notice to all other Commissioners of the Time and Place of such Special Meeting, and of the Business proposed to be transacted there, and the said Commissioners shall and may meet accordingly, and proceed in the Execution of this Act; and the said Commissioners shall at all their Meetings defray their own Expences; but no Act of the said Commissioners shall be valid unless the same be made or done at some public Meeting to be holden in pursuance of this Act; and that at every such Meeting, the Powers and Authorities hereby granted to or vested in them, shall and may from Time to Time

Meetings of  
Commission-  
ers.

Special  
Meetings.

Commission-  
ers to defray  
their own  
Expences.  
No Act valid  
except at a  
Meeting.

Proceedings  
of Commis-  
sioners to be  
Entered.

No Order to  
be revoked  
unless by a  
greater Num-  
ber of Com-  
missioners.

Appointment  
of Officers,  
&c.

Officers to  
give Secu-  
rity.

Officers to  
account and  
may be com-  
pelled so to  
do.

to Time be exercised and carried into Execution by the major Part of the Commissioners present at such Meeting; and that a Chairman shall and may be appointed at every such Meeting; and that in all Cases the said Commissioners shall proceed to determine all Matters before them by Vote or Ballot, in Case the same be desired by any Two of more of the said Commissioners then present, and in case of an equal number of Votes upon any Question (including the Chairman's Vote), the Chairman shall have the Casting Vote; and all Acts, Orders and Proceedings of the said Commissioners shall be entered in a Book or Books to be kept for that Purpose, and shall be signed by the Treasurer or Clerk, or One or more of the said Commissioners, at the End of the Proceedings of the said Commissioners at every such Meeting, and such Orders shall then be deemed and taken to be original Orders, and such Book or Books shall and may be produced and read in Evidence in all Courts and Cases whatsoever, and the same shall at any of the Meetings of the said Commissioners be open and liable to the Inspection of all and every the said Commissioners, and every Person paying any of the Rates hereinafter granted and made payable, and also of all and every the Creditors and Annuitants on the said Rates: Provided always, that no Order made by the said Commissioners at any of their Meetings shall be revoked or altered, unless at some Meeting to be holden for that Purpose (of which Seven Days Notice shall be given in Manner aforesaid), and also unless a greater Number of Commissioners shall attend at such Meeting to revoke or alter the same than were present to make such Order, any Thing contained in this Act to the contrary thereof in anywise notwithstanding.

IV. And be it further enacted, That it shall and may be lawful for the said Commissioners from Time to Time to elect and appoint a Treasurer and Clerk, and One or more Collector or Collectors of the Rates hereinafter mentioned, and a Surveyor or Surveyors, and such or so many other Officers as they shall find necessary for the Purposes and Execution of this Act; and the said Commissioners shall take such Security from every such Treasurer and Collector or other Officer, as they shall think proper for the due Execution of such Offices, and shall and may from Time to Time remove all or any of the said Officers at their Will and Pleasure, and appoint others in the room and stead of such of them as shall die, decline to act, or be so removed; and the said Commissioners shall and may, out of the Money arising or to arise under or by virtue of this Act, appoint and pay such Salaries, Gratuities and Allowances to the said Officers, and to all and every such other Person or Persons as shall have the Execution of this Act, as the said Commissioners shall judge reasonable and proper; and all such Officers so to be appointed shall, under their Hands, at such Time and Times, and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, by virtue of this Act, and also of all the Monies which shall have been by such Officers and Persons respectively received by virtue and for the Purposes of this Act, and how much thereof have been paid and disbursed, and for what Purpose, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall appoint; and all the said Officers so accounting as aforesaid, shall upon Oath, if thereunto  
required

required by the said Commissioners (which Oath the said Commissioners or any Two of them are hereby empowered and required to administer) verify their said Accounts; and if any such Officer or Officers shall neglect or refuse to make and render, or to verify upon Oath any such Account, or to produce or 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 to such Person or Persons as they shall appoint, within Fourteen Days next after being thereunto required by the said Commissioners, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer or Officers, all Books, Papers and Writings in his or their Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Commissioners respecting the same, then and in any of the Cases aforesaid, the said Commissioners may, and are hereby authorized and empowered to cause an Action or Actions to be brought against the Officer or Officers so neglecting or refusing as aforesaid, in order 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 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 Borough, Town, Riding, County, or Place where such Officer or Officers 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, requiring the Officer or Officers so neglecting or refusing to be brought before him, and upon his or their appearing, or upon Proof of his or their not being to be found, to proceed to hear and determine the Matter so complained of in a summary way, and if upon Confession of the Party or Parties, or by the Testimony of 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 that shall have been collected or raised by virtue of this Act shall remain in the Hands of or due from such Officer or Officers, 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 raised and levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, and if no Goods or Chattels of such Officer or Officers can be found sufficient to answer and satisfy the said Money, and the Costs and Charges of distraining and selling the same, or if it shall in Manner aforesaid appear to such Justice that such Officer or Officers 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 or Officers, and that he or they shall have neglected or refused to deliver or give Satisfaction respecting the same as aforesaid, such Justice shall commit such Offender or Offenders to the common Gaol or House of Correction for the Borough, Town, Riding, County, or Place where such Offender or Offenders shall be or reside, there to remain without Bail or Mainprize for and during any Time not exceeding the Space of Six Calendar Months, unless before the Expiration of that Period, he or they shall give and make a true and perfect Account and Payment as aforesaid, or shall compound with the said Commissioners for such Money, and shall have paid such Composition as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), or he or they shall

[Loc. &amp; Per.]

10.U

deliver

deliver up such Books, Papers and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners as aforesaid.

Treasurer to pay Monies ordered by Commissioners and keep Accounts of Receipts and Payments.

V. And be it further enacted, That the Treasurer to the said Commissioners shall and may, and he is hereby authorized and required, out of the Monies to be received by him by virtue of this Act, to pay all such Sum and Sums of Money as the said Commissioners shall from Time to Time draw upon him for or order him to pay; and the said Treasurer shall and he is hereby required to keep regular and clear Entries in a Book or Books, to be for that Purpose by him provided and kept, of all and singular his Receipts and Payments on account or in pursuance of this Act, and shall on the Yearly or at the First Meeting of the said Commissioners then next following have the said Accounts audited, passed and allowed by the said Commissioners.

Commissioners to appoint Assessors, and make Rates,

VI. And be it further enacted, That towards the more speedy defraying the Costs, Charges and Expences of executing the several Purposes of this Act, and of obtaining and passing the same, the said Commissioners shall, as soon as conveniently may be, Yearly and every Year, or as often as there shall be Occasion, under their Hands nominate and appoint Two or more Inhabitants, Residents within the said Township of *Pontefract*, to be Assessors of the Rates by this Act to be raised within the same respectively, so far as the said Commissioners shall at any Meeting or Meetings direct such Rate or Assessment to be and extend, for the Purposes of this Act; and the said Commissioners shall and may, and they are hereby empowered and required to fix and ascertain once in every Year, or oftener as Occasion may require, how much in the Pound shall be raised by a Rate or Assessment for the Purposes of this Act, and as soon as may be afterwards to issue their Precepts under their Hands to the Assessors for the Time being for raising, and who shall accordingly from Time to Time raise the Amount so settled by an equal Pound Rate or Assessment, according to the annual Value in and upon all Messuages, Houses, Warehouses, Shops, Cellars, Vaults, Barns, Stables, Cowhouses, Brewhouses and other Buildings, Yards, Backsides, Gardens and other Tenements and Hereditaments, situate, standing, lying and being within the Limits of this Act; and every such Rate or Assessment shall be charged upon and be payable and paid by the respective Tenants or Occupiers thereof, which Tenants or Occupiers shall be, and are hereby made liable to pay the whole of every such Rate or Assessment, any Law, Statute, Custom, Contract, Covenant or Agreement to the contrary thereof, in anywise notwithstanding: Provided always, that no such Rate or Assessment shall in any One Year exceed the Sum of Two Shillings in the Pound of the yearly Value of the said Messuages, Houses, Warehouses, Shops, Cellars, Vaults, Barns, Stables, Cowhouses, Brewhouses and other Buildings, Gardens or Garden Ground respectively to be rated or assessed; provided also, that no Person or Persons who shall be Owner or Occupier of any Tenement under the yearly Value of Three Pounds, and who do not keep open Shop or Shops for the Sale of Goods, Wares and Merchandize, shall be charged with or liable to pay the aforesaid Pound Rate or any Part thereof.

not exceeding Two Shillings in the Pound in One Year.

Tenements under the Yearly value of Three Pounds not to be charged.

Power for the Commission-

VII. And, in order to ascertain the Rates and Assessments to be made by virtue of this Act, be it further enacted, that the said Commissioners shall

shall and may, and they are hereby authorized and empowered to cause all or any of the Books or Assessments of Rates towards the Relief of the Poor of the said Town of *Pontefract* to be brought before them, and to take a Copy or Copies of such Books or Assessments, or of any Part or Parts thereof, without Fee or Reward; and if any Person or Persons in whose Custody or Power any of the said Books or Assessments shall be, shall refuse or neglect to attend the said Commissioners with such Books or Assessments in his, her or their Custody or Power, or to permit or suffer the said Commissioners to take or cause to be taken a Copy or Copies thereof, then and in every such Case every such Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds.

ers to call for  
the Poor As-  
sessments.

VIII. And be it further enacted, That every Rate and Assessment which shall be made in pursuance of this Act shall, in order to authorize the Collection thereof, be allowed and signed by the said Commissioners or any Two or more of them, but previous to the allowing and signing thereof they shall and they hereby have Power and Authority to call for, amend and alter any such Rate or Assessment, either by inserting or causing to be inserted the Name or Names of any Person or Persons who ought to have been rated and assessed, and shall appear to have been omitted therein, which Person or Persons whose Name or Names shall be so inserted, the said Assessors shall and are hereby required thereupon to rate and assess according to the true Intent and Meaning of this Act, or by taking out the Name or Names of any Person or Persons which shall have been inserted in any such Rate or Assessment, and who ought not to be rated therein; and in order to the Amendment and Allowance of all such Rates and Assessments, and the further Proceedings thereupon, the said Assessors for the Time being shall respectively appear and bring with them at the Day, Hour and Place mentioned in their respective Precepts, two Copies or Duplicates of every such Rate or Assessment as they shall respectively make, fairly written and subscribed by them, and shall deliver the same unto the said Commissioners, and shall, upon reasonable Notice from Time to Time to be given by the Clerk of the said Commissioners, be attending upon them at any of their Meetings in pursuance of this Act, and at any Court or Courts of Quarter Sessions, or at any Adjournment thereof, or otherwise as Occasion shall require, then and there to explain, amend and justify their respective Charges and Assessments; and after such Rates or Assessments shall be allowed and signed as afore-  
said, the said Commissioners shall and may, and they are hereby authorized and required to appoint a Collector or Collectors thereof, and to cause the same to be collected and received as soon as conveniently may be, of and from the Persons respectively rated, charged and assessed, either quarterly or in such other Way as to them shall seem meet.

Rates to be  
signed by  
Two Com-  
missioners,

and Collector  
appointed.

IX. Provided always, and be it further enacted, That for the better and more effectual collecting of all Rates and Assessments to be made, raised, levied and collected within the said Township of *Pontefract* by virtue of this Act, it shall and may be lawful in all Cases where any Messuages, Tenements or Buildings, Lands or Hereditaments in the Occupation or Possession of One or more Occupier or joint Occupiers thereof, shall be charged, rated or assessed at a less Yearly Rent or Value than the Sum of Ten Pounds *per Annum*, to rate, assess and charge the respective

Tenements  
under the  
yearly Value  
of Ten  
Pounds to be  
rated to the  
Landlords.

respective Owners and Proprietors of such Lands, Tenements and Hereditaments, and not the Occupiers thereof, for and towards the several Rates and Assessments aforesaid, any Thing hereinbefore contained to the contrary thereof notwithstanding; and that all such Owners and Proprietors shall be liable to pay such Rates and Assessments, although the same may be rated and charged in the Name of the Tenant or Occupier thereof; and that such Rates and Assessments shall be raised, collected and levied from such Owners and Proprietors in the same Manner as if they had actually been the Occupiers of such Premises, and rated and assessed as such for the same; and that it shall and may be lawful to and for every such Owner or Proprietor to recover the several Sums so paid by him for Assessments from his respective Tenant or Tenants in the same Manner and according to the Laws now in being for the Recovery of Rent due to him: Provided always, that no Occupier or Occupiers of any Land, Garden, Orchard or Ground within the said Town of *Pontefract*, or within the Distance aforesaid, shall be rated or assessed for any more or greater Quantity than One Acre of such Land, Orchard, Garden or Ground respectively, and shall not be liable to be charged with more Rates or Assessments than according to the Proportion of Rent due and payable by him, her or them respectively.

Who may charge the same to his Tenant.

Persons dying or removing, and others succeeding them in their Houses, &c. Assessments to be apportioned.

X. Provided also, and be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any House, Building, Garden, Land, Tenements or Hereditaments rated or assessed, or liable to be rated or assessed by virtue of this Act, such Person or Persons shall be liable to pay such Rate or Assessment in Proportion to the Time that he, she or they occupied the same respectively, and in like Manner as if such Person or Persons had not removed from or quitted the same; and in all Cases where any Person or Persons shall come into or occupy any House, Building, Garden, Lands, Tenements or Hereditaments, rated or assessed, or liable to be rated or assessed as aforesaid, out of or from which any other Person or Persons who shall have been rated or assessed for the same shall be removed, or which at the Time of making any such Rate or Assessment was empty or unoccupied, the Person or Persons coming into or occupying the same shall be liable to pay such Rate or Assessment in Proportion to the Time that such Person or Persons shall occupy the same, in like Manner as if he, she or they had been originally rated or assessed by Name for such House, Building, Garden, Lands, Tenements or Hereditaments, which said respective Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners.

Recovery of Assessments.

XI. And be it further enacted, That in case any Person or Persons who shall be rated or assessed, or subject or liable to the Payment of any Rate or Assessment to be made or laid, or made payable by virtue of this Act, shall refuse or neglect to pay any such Rate or Assessment to any Collector to be appointed as aforesaid for the Space of Ten Days after personal Demand thereof made, or Demand thereof in Writing left at the usual or last Place of Abode of such Person or Persons, it shall be lawful for any Justice of the Peace of the Borough, Town, Riding, County or Place wherein such Person or Persons so neglecting or refusing shall be or reside, or whereunto he, she or they shall have removed, upon Proof made upon Oath of such Demand and Non-payment (which Oath such



such Justice is hereby empowered and required to administer without Fee or Reward), by Warrant under the Hand and Seal of such Justice (which he is hereby empowered to grant) to authorize and direct the said Collector to levy such Rate or Monies so in Arrear, together with the Costs and Charges attending the same, to be ascertained by such Justice, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay as aforesaid, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels on Demand.

XII. And be it further enacted, That where any House shall be divided into separate Tenements, Stories or Apartments, and shall be let to or rented, occupied or inhabited, by Two or more Persons or Families, the same shall nevertheless be subject to the Rates and Duties granted by this Act, and the Landlord or first Lessee of every such House shall be deemed and taken to be the Occupier thereof, and shall be charged with and liable to pay the said Rates and Duties, if the said Commissioners shall think fit and proper, subject nevertheless to the like Powers of recovering the same from the Occupier or Occupiers thereof respectively as are hereinbefore contained with respect to Tenements rated at a less Sum or Value than Ten Pounds *per Annum*.

Houses divided into different Tenements to be charged to the Landlord.

XIII. And be it further enacted, That in case any Person or Persons shall think himself, herself or themselves aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, such Person or Persons may apply to the said Commissioners at any Meeting to be holden within Seven Days next after Demand of such Rate or Assessment, but if no Meeting shall be holden within such Time, then at the next subsequent Meeting; and the said 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 reasonable.

Persons aggrieved may appeal to the Commissioners.

XIV. And whereas a certain ancient Toll thorough, called Gate Law Money, has been collected by and paid to the Mayor, Aldermen and Burgeses of the Borough of *Pontefract*, for the Passage of Carriages laden and passing in, upon, or through the same Borough, by reason of the said Mayor, Aldermen and Burgeses being liable to repair certain Pavements within the said Borough, whereby the said Passages have been rendered more commodious; and it being deemed more for the Advantage of the Inhabitants, and more agreeable to the Objects for which the said Toll was originally created, that the same shall be transferred from the said Mayor, Aldermen and Burgeses, to the Commissioners appointed by and for the Purposes of this Act; be it further enacted, That the Right of the said Mayor, Aldermen and Burgeses, to the said Toll called Gate Law Money, shall from and after the passing of this Act cease, and the same shall from thenceforth become vested in the Commissioners hereby appointed, and their Successors, in as full, ample, and beneficial Manner to all Intents and Purposes as the said Mayor, Aldermen and Burgeses now hold or are entitled to the same; and that the said Commissioners shall apply all the Monies to be received from the said Toll in Aid of the Assessments to be laid upon the Inhabitants of the said Township of *Pontefract* by virtue and for the Purposes of this Act: Provided always, that nothing in this Act contained shall extend, or be

Gate Law Toll vested in the Commissioners for the Purposes of this Act.

[*Loc. & Per.*]

10 X

deemed

Title thereto  
not to be  
affected  
thereby.

deemed or construed to extend to charge, impeach, affect, enlarge, abridge, alter, or vary the Right, Title, or Estate to the said Gate Law Money, otherwise than changing the Property thereof as aforesaid, but that the said Commissioners shall hold the same upon the same Conditions, and subject to the same Charges, Burdens, and Repairs, as the said Mayor, Aldermen, and Burgeffes held or were entitled to hold the same immediately before the passing of this Act.

Power to  
borrow Mo-  
ney upon  
Credit of the  
Rates.

XV. And, for the more effectually enabling the said Commissioners to execute the Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners, 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 hereinbefore granted, 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 his or their Trustee or Trustees, for the Purpose of securing the Money so to be borrowed, together with the Interest for the same; and every such Mortgage or Assignment may be in the Words or to the Effect contained in the Schedule hereunto annexed; and all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Money thereby secured, shall be (in Proportion to the Sums therein respectively mentioned) Creditors on the said Rates or Assessments, Compositions, or other Monies, equally, one with another, without any Preference in respect to the Priority of advancing such Money, or the Dates of any such Mortgages or Assignments.

Or by Way  
of Annuities.

XVI. And be it further enacted, That in case the said Commissioners shall think it advisable, or more advantageous to raise all or any Part of the Money authorized to be borrowed under this Act by the granting of Annuities for Lives instead of Mortgages or Assignments as aforesaid, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to charge the said Rates and Assessments with the Payment of any Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners any Sum or Sums of Money for the absolute Purchase of any Annuity or Annuities, to be paid and payable during the natural Life of such Person as shall be nominated by or on the Behalf of such Contributor at the Time of the Payment of his or her Contribution or Purchase Money, so as no such Annuity be granted for the Life of any Person under the Age of Twenty Years, and so as no such Annuity do exceed the Rate of Twelve Pounds for every One hundred Pounds by the Year advanced upon a single Life, and the Security for the Payment of such Annuity may be in the Words, or to the Effect contained in the said Schedule; and every such Security shall be good, valid, and effectual, without Inrolment or Registry of any Memorial thereof, any Law existing to the contrary thereof in anywise notwithstanding; and all such Sum and Sums of Money so to be borrowed as aforesaid, and every such Annuity, shall be and is and are hereby charged upon, and shall be payable out of the Rates and Assessments hereinbefore

hereinbefore mentioned, by equal quarterly Payments, at the said Town Hall in *Pontefract* aforesaid.

XVII. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money borrowed or raised by Mortgage, and for the Annuities granted as aforesaid, and their respective Executors, Administrators or Assigns, at any Time, by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever, which Transfer may be in the Words or to the Effect contained in the said Schedule, and Copies of all Mortgages or Assignments, and Grants of Annuities which shall be made in pursuance of this Act, and Extracts or Memorials of all Transfers thereof, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, which Extracts or Memorials shall specify and contain the Dates, Names of the Parties, and the Sums of Money thereby transferred, to which Book any Person interested shall have at all reasonable Times access, and shall have free liberty to inspect the same without Fee or Reward; and for the Entry of every such Transfer, the said Clerk shall be paid by the Person to whom such Transfer shall be made, the Sum of One Shilling and no more, and after such Entry made of any such Transfer, every Transfer so entered shall entitle the Person to whom the same shall be made, and his, her, and their respective Executors, Administrators and Assigns, to the Benefit of the Security thereby transferred.

Securities transferable and entered in a Book.

XVIII. And be it further enacted, That in order to pay off and discharge the Money to be borrowed on the Credit of the said Rates or Assessments in Manner herein described, it shall be lawful to and for the said Commissioners, and they are hereby authorized and empowered, Yearly and every Year, at any of their Meetings to be held in pursuance of this Act, to order Payment for that Purpose of any Sum not exceeding the Sum of Two hundred Pounds, out of the Monies raised by such Rates or Assessments.

For discharge of Money borrowed.

XIX. And be it further enacted, That all the Money to arise by or from the said Rates or Assessments, and other Money hereby granted or to be levied or received by virtue of this Act, and which may be borrowed on the Credit thereof, or advanced for Annuities as aforesaid, shall be paid to the Treasurer to the said Commissioners, or to such Person or Persons as they shall appoint, and shall be applied and disposed of in the first Place in paying or defraying the Charges and Expences which shall be incident to and attending the obtaining and passing this Act, or in anywise relating thereto, together with Interest for the same, and the Remainder of such Monies shall from Time to Time be applied in paying the Principal and Interest of the Monies to be borrowed, and in defraying the necessary Expences attending the Execution of this Act, and to no other Use or Purpose whatsoever.

Monies raised to be applied for the Purposes of this Act.

XX. And be it further enacted, That some Time between the First Day of *January* and the First Day of *May* in every Year, a fair and just Account shall be made and written out of all Monies received and paid by Virtue or in pursuance of this Act, and how and to whom, and for what Purpose the same shall have been laid out, paid and expended; and a Copy or Duplicate of such Account, signed by the said Commissioners,

Commissioners to make an Account yearly of Monies received and paid, and to be open for Inspection.

shall

shall be deposited with the Clerk to the said Commissioners, who shall permit any Person so rated or charged as aforesaid, or any other Person or Persons on his or her behalf, to inspect the same at all reasonable Times, paying One Shilling for such Inspection, and shall upon demand forthwith give Copies of the same or any Part thereof, to any such Person, paying at the rate of Threepence for every One Hundred Words, and so on in Proportion for any less Number of Words.

Property of Pavements, &c. vested in the Commissioners.

XXI. And be it further enacted, That from and after the passing of this Act, the Property of all the present and future Pavements and Materials in the Highways, Streets, Lanes, and other public Passages and Places within the said Town, as also in such other Streets, Passages and Places as shall hereafter be built upon or made within the said Town of *Pontefract*, not exceeding One Mile from the said Town-Hall of the said Town of *Pontefract*, and of and in all Lamps, Lamp Irons and Posts which shall be erected or fixed by virtue of this Act; and of all Tools, Utensils, Materials, Implements, and other Things which shall be purchased or provided for the Purpose of this Act, and also all public Pumps and Wells within the said Town, and all the Ashes, Cinders, Dirt, Dust, Dung, Filth and Rubbish which shall be taken and carried away from and out of the Houses, or swept, gathered or collected, or laid or left in the said Streets, Lanes, Passages, and Places, shall belong to, and the same are hereby vested in the said Commissioners; and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions, or prefer or cause to be preferred any Bill or Bills of Indictment in the Name of their Clerk, and in any such Action, Suit or Indictment, to state and lay the same to belong to and be the Property of the Clerk to the Commissioners for paving and lighting the Town of *Pontefract*, (as the Case shall require), against any Person or Persons who shall steal, take, or carry away, detain, spoil, injure, or destroy any Part or Parts thereof; and the said Commissioners shall have full Power and Authority to sell and dispose of all or any Part of the old and useless Tools, Utensils and Materials, and other Things aforesaid to such Person and Persons as shall be willing to purchase the same, and the Money arising therefrom shall be applied to the Purposes of this Act.

Commissioners to order Pavements, &c. to be repaired.

XXII. And be it further enacted, That from and immediately after the passing of this Act, it shall be lawful for the said Commissioners from Time to Time, and at all Times, when and as often as they shall think proper, to order and direct all or any of the present or future Pavements and Materials in the several Highways, Streets, Lanes, and publick Places already erected and made, or hereafter so to be in the said Town of *Pontefract*, and not exceeding One Mile from the said Town-Hall, as well in those Parts used by Carriages as those used by Foot-Passengers, and Places to be paved, relaid, repaired, raised, lowered, widened or altered, with such Materials as they shall think proper, and also to be watered, cleansed and freed from all Annoyances, Obstructions, Nuisances and Encroachments whatsoever, and proper Drains, Sinks, Gutters and Watercourses to be made for conveying the Water off and from the said Highways, Streets, Lanes, Passages and Places, and the several Houses and Buildings within the said Town and Places aforesaid;

faid; and also to cause or order and direct the said several Highways, Streets, Lanes, Passages and Places to be cleansed, lighted and watered.

XXIII. And be it further enacted, That during the Time any Highway, Street, Lane, Publick Passage or Place shall be new-paving, flagging or repairing, or any of the Grates, Drains, or other Sewers therein shall be altering or repairing, the said Commissioners shall have Power to order the necessary Materials to be lodged in that or any adjoining Highway, Street, Lane, public Passage or Place, or Highways, Streets, Lanes, public Passages or Places, according to their Discretion; as also to stop up the Way through that or any adjacent Highway, Street, Lane, public Passage or Place, so long as they shall judge necessary; and the said Commissioners, and all Persons acting under the Direction of the said Commissioners, are hereby indemnified from any Prosecution or Action whatsoever for so doing.

Power to stop up Streets, &c. during Repair.

XXIV. And be it further enacted, That all Obligations by Custom or Prescription upon the Mayor, Aldermen and Burgeses of the said Borough, to repair certain Pavements called Corporation Pavements, or upon particular Inhabitants of Houses and other Premises within the said Township of *Pontefract*, or within the Distance aforesaid, to repair and amend the publick Ways before their respective Houses and Premises, shall from and after the passing of this Act cease, and the said Mayor, Aldermen and Burgeses, and all other Persons, are hereby discharged therefrom.

Inhabitants discharged from Repairs by Custom or Prescription.

XXV. And whereas a certain Highway or Street called *Newgate*, dividing the Town of *Pontefract* from the Town of *Tanshelf* aforesaid, hath heretofore been repaired and amended at the joint Expence of both the said Townships; and it would be of great Advantage to both the said Townships that the said Highway should be divided and set out, so as each of the said Townships should be able to ascertain and know their respective Proportions thereof, and to which the same belongs; be it enacted, that from and after the passing of this Act, the South End of the said Highway or Street called *Newgate*, of its present Width, beginning at the North-west Corner of *Friar Wood* Garden, and extending Northward as far as a certain Stone intended to be set up at the center Point between the Two Ends of the said Street, shall for ever hereafter be deemed, construed and taken, and is hereby declared to be within and Part of the Town and Borough of *Pontefract* aforesaid, for the Purposes of this Act; and that the North End of the said Street, from the said center Point to the North-west Corner of a House belonging to *Henry Carwood*, called *Crab Hill House*, shall for ever hereafter be deemed, construed and taken, and is hereby declared to be within and Part of the Township of *Tanshelf* aforesaid, for the Purposes of this Act.

Newgate divided between Pontefract and Tanshelf.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners to describe and determine the Limits and Extents of the several and respective Streets, Lanes, Passages and Places within the Town of *Pontefract* for the Purposes of this Act, and to cause to be placed on a conspicuous Part of some House or other Building, at or near the Corner or End of every such Street, Lane, Passage or Place, the Name by which such Street, Lane, Passage or Place is usually or

Power for Commissioners to name Streets.

[*Loc. & Per.*]

10 Y

properly

properly or shall hereafter be called or known; and also that the said Commissioners may order and direct the Houses, Shops, Warehouses and Buildings within the said Streets, Lanes, Passages and Places, or any of them, to be numbered with Figures, placed or painted on the Door of every House, Shop, Warehouse or Building, or in such other Part thereof as the said Commissioners shall think proper; and if any Person shall wilfully destroy, obliterate, or deface any such Number, Figure, Name or Description, or any Part thereof, or cause or procure the same to be done, every Person so offending shall for every such Offence, forfeit and pay any Sum not exceeding the Sum of Ten Shillings.

Pavements  
not to be  
altered with-  
out Consent  
of Commis-  
sioners.

XXVII. And be it further enacted, That no Person or Persons shall take up the said Pavements, or any Part thereof, either on the Footways or Carriageways, or make or cause to be made any Alteration in the Form of any Highway, Street, Lane, Passage or Pavement thereof, within the said Town of *Pontefract*, or the Distance therefrom as aforesaid, without the Consent and Approbation of the said Commissioners assembled at some of their Meetings first had and obtained, upon Pain of forfeiting for every such Offence any Sum not exceeding Ten Pounds; and in case the Person or Persons so taking up or altering any such Pavement or Flagging, or any Part of the same respectively, shall not within Seven Days after Notice in Writing, by the Surveyor to the said Commissioners given to or left at the last or usual Place or Places of Abode of such Person or Persons, cause the same Pavement or Flagging respectively, which shall have been so altered or taken up to be reinstated and put into its former State, then and in every such case, the Surveyor to the said Commissioners shall cause the same to be so done, and the Costs and Charges thereof shall be borne and paid by the Person or Persons who shall have taken up or altered such Pavement or Flagging, or any Part thereof respectively; and in case of Non-payment thereof on Demand, to the said Surveyor or other Person acting by or under the Authority of the said Commissioners, such Costs and Charges shall, and may be levied and recovered in such and the like Manner as any Penalty is by this Act directed to be levied and recovered.

Commission-  
ers may make  
Contracts,  
&c.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time at any of their said Meetings, to contract and agree with any Person or Persons, for the paving, relaying, repairing, amending, raising, covering, altering, cleansing and lighting any of the said Highways, Streets, Lanes, Passages and Places, or for doing any Work to be done by virtue of this Act, and that the Contract or Contracts so to be entered into shall be reduced into Writing, and signed by the said Commissioners and by the other contracting Party or Parties, and shall specify the Work to be done, and the Price to be paid for the same, and the Time or Times when such Work shall be performed or completed, and the Penalties to be suffered in case of Non-performance thereof; but previous to the making of any such Contract, where the Amount shall be Ten Pounds or upwards, Fourteen Days Notice at the least shall be given in some public News-paper, circulated in *York, Leeds, Doncaster, or Pontefract*, expressing the Intention of entering into such Contract, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said  
Commis.

Commissioners at a certain Time and Place in such Notice to be mentioned.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby directed to cause all Work done in pursuance of any Contract to be inspected by the Surveyor or Surveyors, or by such other Person or Persons as they shall from Time to Time appoint, and in case the same shall not be well and sufficiently performed according to the true Intent and Meaning of such Contract, or shall not be finished and completed at or within the Time within which the same ought to be completed according to such Contract, the said Commissioners shall and may commence and prosecute an Action or Actions in any of His Majesty's Courts of Record at *Westminster*, against any Person or Persons so contracting and neglecting to perform such Contract, for any Penalty or Damage which shall be contained in such Contract, or suffered or sustained on account of the Non-performance thereof, and upon proving the signing of such Contract or Contracts, and Non-performance thereof, the Plaintiff or Plaintiffs in such Action or Actions shall be entitled to and shall recover such Penalty or Damage, with Costs of Suit.

Commissioners may employ Surveyors.

XXX. And be it further enacted, That the several Occupiers of Houses or other Buildings and Tenements within the said Town of *Pontefract*, shall, as soon as the Foot Pavements in front of or adjoining to such Houses, Buildings, or Tenements, shall by virtue of this Act be made and completed, or become vested in the said Commissioners, sweep and cleanse, or cause to be swept and cleansed, the said Foot Pavements, and also the Gutter or Channel of the Carriage-way before and along the Front and Sides of their respective Houses, Buildings, Tenements, Walls and Fences, every Day, if necessary, between the Hours of Six and Ten of the Clock in the Forenoon (*Sundays* excepted), upon Pain of forfeiting Five Shillings for every Neglect therein.

Foot Pavements to be swept every Day.

XXXI. And be it further enacted, That the Scavenger or Scavengers, or Person or Persons contracting to cleanse the said Streets, Lanes, Passages or Places, shall once in every Week, or oftener if the Commissioners shall so direct, or on such Days as they shall appoint, bring or cause to be brought some proper Cart or other Carriage into all the said Streets, Lanes, Passages, and Places where such Carts or Carriages can pass, and shall at or before his or their Approach, by sound of Bell or otherwise, give Notice to the Inhabitants of his or their coming, and give the like Notice in every Place in which such Cart or Carriage cannot pass, and shall abide and stay a convenient Time in or near the said Places respectively, and shall remove the Dirt, Dust, Ashes, and Filth (except any Filth from any Privy or Necessary-house) from the respective Houses and Premises, and the said Scavenger or Scavengers, his or their Servants or Agents, shall take and put the same into such Cart or Carriage, and shall also sweep and cleanse the Dirt or Soil arising or being within the said Streets, Lanes, Passages, and Places, and carry or convey the same to some proper Place to be appointed by the said Commissioners, upon Pain of forfeiting Twenty Shillings for every Neglect or Default therein.

Scavenger to collect Dirt, &c. every Week.

XXXII. And

No Person  
but the Sca-  
venger to re-  
move Dirt,  
&c.

XXXII. And be it further enacted, That no Person or Persons whomsoever shall take or carry away, or cause to be taken or carried away, any Ashes, Dirt, Dust, Muck, Dung, or Manure out of the said Highways, Streets, Lanes, Passages, or Places, other than the Person or Persons contracting, or such Scavenger or other Officer or Persons to be appointed by the said Commissioners for that Purpose as aforesaid, upon Pain of forfeiting and paying the Sum of Twenty Shillings for every such Offence.

Not to extend  
to Dirt, &c.  
collected and  
reserved in  
Yards, &c.

XXXIII. Provided always, and be it further enacted, That nothing herein contained shall extend to any Ashes, Dust, Dirt, Filth, Dung, or Rubbish, which any of the Inhabitants of the said Town of *Pontefract* shall think fit to reserve and keep within their respective Houses, Yards, Gardens, or Premises, but the same shall respectively belong to the Person or Persons so reserving the same, or may be sold and disposed of by him, her or them, for his, her, or their Use, so that such Ashes, Dust, Dirt, Filth, Soil, Dung, or Rubbish, be not collected from or laid down or placed in any of the said Streets, Lanes, Passages, or Places, for any longer Time than shall be necessary for the loading and carrying away the same.

Removal of  
Nuisances.

XXXIV. And be it further enacted, That in case any Hogstye, Carrion, Blood, Offal, Ordure, or Soil, being near any of the said Streets, Lanes, Passages, or Places, shall annoy or be offensive to Passengers, the same shall be deemed by the said Commissioners a Nuisance and an Offence against this Act, and it shall be lawful for the said Commissioners, upon Complaint thereof made to them by any Person or Persons, by Notice in Writing under the Hands of any Two of the said Commissioners, to order any such Nuisance or Offence to be removed, and in case the same shall not be removed within Five Days after such Notice given to the Person or Persons who ought to remove the same, he or they shall forfeit and pay the Sum of Five Shillings for every Day that the same shall continue unremoved after the Expiration of the said Term.

Scavenger  
may lodge  
Dirt in vari-  
ous Places.

XXXV. And be it further enacted, That the Person or Persons contracting or being employed to cleanse the said Highways, Streets, Passages, or Places, or any Part or Parts thereof, shall have Liberty, by the Approbation and Order of the said Commissioners, to lodge any Dirt, Dust, Ashes, Filth, Cinders, or Rubbish (except the Soil of Privies or Necessary-houses), in such vacant Places in or near the said Town of *Pontefract* as shall be thought proper or convenient by the said Commissioners, by and with the Consent of the Owners or Occupiers of the said vacant Places, and all such Dirt, Ashes, and Filth, when so lodged, shall be at the Disposal of the said Scavenger or Person, or Persons so appointed or contracting, and of no other Person, unless by the Order of the said Commissioners: Provided always, nevertheless, that the said Commissioners shall have full Power and Authority to buy or rent Land, not exceeding One Acre in Quantity, within or without the said Town of *Pontefract* for the depositing of such Dirt, Dust, Ashes, Filth, Cinders, or Rubbish, in case they shall think proper so to do: Provided always, that nothing herein contained shall extend, or be construed to extend, so as to enable the said Commissioners to buy or rent any Lands or Grounds



for such Purpose but by and with the Consent of the Owner or Owners thereof.

XXXVI. And be it further enacted, That if any Person or Persons shall cause any Privy or Necessary-house within the said Town of *Pontefract*, to be emptied at any other Time than between the Hours of Eleven of the Clock in the Night and Four of the Clock in the Morning, or shall lay or cause to be laid the Soil thereof, or suffer the same to remain after that Time, in any of the said Highways, Streets, Lanes, Passages, or Places, or shall wilfully or negligently spill or throw down any such Soil in any of the said Highways, Streets, Lanes, Passages, or Places, or cast or throw the same into any Rivulet or Stream within the said Town of *Pontefract*, every such Person so offending in any of the Cases aforesaid shall, for every such Offence, forfeit and pay any Sum not exceeding the Sum of Twenty Shillings.

Time of emptying Necessary Houses.

XXXVII. And be it further enacted, That if any Person or Persons shall run, draw, wheel, drive, carry, or place on any of the Foot-paths or common Footways in any of the said Streets, Lanes, Passages, and Places, any Sledge, Wheelbarrow, Handbarrow, Truck, or Carriage, or shall roll any Cask for the Space of Forty Yards; or wilfully drive, ride, lead, or place any Horse or other Beasts or Cattle, on any of the Footpaths or Causeways aforesaid; or shall kill, slaughter, singe, scald, dress, or cut up any Beast or Swine, Calf, Sheep, Lamb, or other Cattle, in any of the said Streets, Lanes, Passages, or Places; or shall permit or suffer any Blood, Filth, or Annoyance whatever to run or drain from any Slaughter-house, Stable, Yard, or Premises, into or upon any of the said Streets, Lanes, Passages, or Places; or shall hoop, fire, cleanse, wash, or scald any Cask or Casks; or hew or saw, or cause to be hewn or sawn any Stone, Wood, or Timber; or bind, make, or repair the Wheel of any Carriage; or shoe, bleed, or farry, (except in cases of Accident), or turn or drive loose any Horse, Mare, or Gelding; or bring and show, or cause to be brought and shown any Stone-horse or Stallion, (except while the same shall be passing in his Way or Road to and from any Place where such Stallion or Stone-horse shall be kept), in any of the said Streets, Lanes, Passages, or Places; or shall set, place, or expose to Sale, or cause, permit, or suffer to be set, placed, or exposed to Sale, any Goods, Wares, or Merchandises, either on the Footpaths or Carriageways of any of the said Streets, Lanes, Passages, and Places (save and except at the annual Fairs, Statutes, and common Markets holden at the usual Times in the said Town of *Pontefract*), or shall hang up or expose to Sale any Goods, Wares, and Merchandises, or any other Matter or Thing upon shop Windows, or otherwise so as to obstruct or incommode the Passage of any of the said Footpaths or Carriageways; or shall make or assist in the making any Fire or Fires, commonly called Bonfires, or any other Fires whatsoever; or set up or throw at any Cock or Fowl in Manner of Cock-throwing; or shall set fire to, let off or throw any Gun, Pistol, Squib, Serpent, Cracker, or Firework whatsoever within any of the Streets or Lanes of the said Town of *Pontefract*; or shall play at Football, Dandies, Batts, Balls, or other Games, in any of the said Streets, Lanes, Passages, or Places; or shall carelessly or wilfully break or damage the said Pavements, every Person offending in any of the Cases aforesaid shall, for every such Offence, forfeit and pay any Sum not exceeding Forty

For preventing Nuisances in the Streets.

[Loc. & Per.]

10 Z

Shillings,

Shillings, over and above such Penalties as are inflicted on any of the said Offences by any Law or Statute now in Force.

For prevent-  
ing Carts and  
Carriages  
being left in  
the Streets.

XXXVIII. And be it further enacted, That if any Waggon, Cart, Dray, or other Carriage, shall be left to stand or remain in any of the said Streets, Lanes, Passages, or Places, with or without Horses or other Cattle, within the said Town of *Pontefract*, for any Time longer than shall be necessary for the loading or unloading thereof; or if any Stage Coach, Diligence, Postchaise, or other Carriage let to hire shall be left to stand or remain in any of the Streets, Lanes, Passages, or Places aforesaid, with or without Horses, for any longer Time than shall be necessary for taking up or setting down the Passengers, and for loading and unloading their Baggage; or if any Swine or other Beast or Cattle shall be permitted to wander or be in or about any of the said Streets, Lanes, Passages, or Places; or if any Timber, Brick, Lime, Mortar, Sand, Stones, Hay, Straw, Wood, Fagots, Tiles, Coals, Boards, Tubs, Goods, Wares, and Merchandises, or other Materials or Things whatsoever, shall be laid or placed and left to remain in any of the said Highways, Streets, Lanes, Passages, and Places, for any longer Time than shall be necessary for moving and housing the same, or if any Coals, Ashes, Cinders, Rubbish, Dust, Dirt, Dung, Filth, or any other Nuisance or Annoyance, shall be thrown, cast, or laid in any of the said Highways, Streets, Lanes, Passages, or Places, or into any Rivulet or Stream within the said Town of *Pontefract*, then, and in such Case, the Owner or Driver of every such Waggon, Cart, Dray, Coach, Diligence, Postchaise, or other Carriage, or the Owner of any such Swine or other Beast or Cattle, and of any such Timber, Bricks, Goods, Wares, Merchandises, Materials, or Things which shall be laid or placed, or left or suffered to remain as aforesaid, and the Person or Persons who shall so throw, cast, or lay or cause to be thrown, cast, or laid any Coals, Ashes, Cinders, Stones, Rubbish, Dust, Dirt, Dung, Filth, or other Nuisance or Annoyance whatsoever as aforesaid, shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings, and the same shall be deemed Nuisances.

Penalty not  
to extend to  
Rubbish oc-  
casioned by  
building, &c.

XXXIX. Provided always, and be it further enacted, That no Person shall be subject to any Penalty by virtue of this Act on account of any Rubbish or Dirt being in any Street, Lane, Passage, or Place before the House or Tenement of such Person, occasioned by the building or pulling down or repairing any such House or Tenement, so as there be convenient Room left for Carriages to pass and repass, and so as a sufficient Way be kept clear for Foot Passengers by the Person or Persons occasioning such Dirt or Rubbish, and so as the Owner or Occupier of such House or Tenement before which such Rubbish or Dirt shall be do cause the same to be removed out of such Street, Lane, Passage, or Place at his, her, or their own Costs and Charges, within a reasonable Time after such building, pulling down, or repairing shall be completed, or upon Notice to be given to him, her, or them, or left at such House or Tenement for that Purpose, in Writing, signed by any Two of the said Commissioners or their Clerk, and so that whilst any Hole or Opening made in any Street, Lane, Passage, or Place, or any such Lime, Mortar, Dirt, or Rubbish shall remain open, or be lying in such Street, Lane, Passage, or Place, such Owner or Occupier shall set up and maintain a sufficient  
Light

Light or Lights upon, against, or near the said Hole or Opening, Lime, Mortar, Dirt, or Rubbish, during the Night-time, to prevent any Mischief happening to Passengers, Carriages, or Cattle.

XL. And be it further enacted, That the said Commissioners shall and may from Time to Time cause Notice to be given to the respective Owners or Occupiers of the several Houses and Buildings within the said Town of *Pontefract*, to take down, remove, alter, or regulate all Show-boards, Signs, Sign Irons, and Sign Posts, Cellars, or other Encroachments, standing, or being in, upon, over, or under any of the Footways aforesaid, and all Penthouses, Bulks, Pipes, and Spouts projecting into or upon, or hanging over any of the Streets, Lanes, public Passages, Places, or Footways aforesaid, and all Trees, Steps, Posts, Rails, Pales, and Projections standing, or being in any of the said Streets, Lanes, Passages or Places, which shall or may have been erected, built, or placed there since the First Day of *January* last past, and all other Encroachments and Annoyances which the said Commissioners shall judge fit to be taken down, removed, altered, or regulated, and to cause such Show-boards, Signs, Sign-posts, Sign-irons, Penthouses, Bulks, Pipes, Spouts, Trees, Steps, Posts, Rails, Pales, Projections, Encroachments, and Annoyances to be carried away, felled, taken down and removed, or to cause all such Show-boards, Signs, and Sign-irons to be fixed or placed to the Fronts of the Houses, Shops, Warehouses, or Buildings whereunto they respectively belong, and not to stand or project over or beyond any Part of the said Footways, or to annoy the Persons passing thereon or near thereto; and to cause all such Spouts and Pipes to be also affixed to the Houses or Buildings to which they belong, so as to convey the Water down the Fronts or Sides of such Houses or Buildings respectively, and so into the common Channel or Drain, without dropping or wetting any Passenger; and to cause all Doors, opening in or upon any of the said Footways, and all Doors, Steps, and Passages opening or leading from any such Footways into any Vaults, Cellars, or Storehouses, to be removed or altered, so that the same may not incommode or be dangerous to Passengers; and in case the respective Owner or Owners, Occupier or Occupiers shall refuse or neglect so to do for the space of Twenty-eight Days next after such Notice shall be given to him, her, or them respectively, which Notice shall be given in Writing under the Hand of the Clerk to the said Commissioners, and delivered or left at the Dwelling-houses or usual Place of Abode of such Owner or Owners, Occupier or Occupiers, it shall be lawful for the said Commissioners to order and cause such Show-boards, Signs, Sign-posts, Sign-irons, Penthouses, Pipes, Spouts, Trees, Steps, Posts, Rails, Pales, Annoyances, Doors, and Passages aforesaid, to be respectively taken down and carried away, removed, altered, fixed, or regulated in Manner aforesaid; and shall return or cause to be returned to their respective Owners, or be left on the Spot, or as near as may be, for such Owner and Owners, such Show-boards, Signs, Sign-posts, Sign-irons, Penthouses, Pipes, Spouts, Trees, Porches, Steps, Posts, Rails, Pales, Doors, and Passages aforesaid, or so much thereof as shall not be affixed or put up, or otherwise made use of in the Alterations and Improvements authorized by this Act; and the Charges and Expences attending the same, shall and may be recovered by the Treasurer for the Time being to the said Commissioners of the Owners or Occupiers thereof respectively, in the same Manner as Penalties or Forfeitures are herein directed to be recovered; and if any

Occupiers of Houses to take down Sign Posts, &c.

Person or Persons shall at any Time hereafter, hang, place, erect, build, plant, or make any Gutter, Show-board, Sign-post, Sign-iron, Penthouse, Bulk, Pipe, Spout, Tree, Porch, Step, Post, Pale, Rail, or other Encroachment, Nuisance, or Annoyance whatsoever, or cause the same to be done contrary to the Regulation aforesaid, or shall hereafter make or cause to be made any Bow or projecting Window on the Ground-floor in the Front of any House or Building into any of the said Streets, Houses, Publick Passages, or Places, every such Person so offending, shall for every such Offence, forfeit and pay any Sum not exceeding Five Shillings, for every Day such Annoyance, Projection, Obstruction, or Offence shall continue, and it shall be lawful for the said Commissioners to order the same to be taken down, removed, carried away, altered, or regulated by such Person or Persons, and in such Manner as they shall think proper, without any Notice being given to the Person or Persons offending therein, and the Person or Persons so ordered shall and may take down, remove, carry away, alter, or regulate the same accordingly, and the Charges and Expences attending the same shall and may be recovered by the Person or Persons so ordered, or the Treasurer, for the Time being to the said Commissioners, of the Person or Persons so offending therein, in like Manner as Penalties and Forfeitures are hereinafter directed to be recovered: Provided that in all Cases where the said Commissioners shall cause any of the said Show-boards, Signs, Sign posts, Sign-irons, Penthouses, Bulks, Pipes, Spouts, Steps, Posts, Pales, Rails, Doors, or Passages to be taken down, removed, fixed, altered, or regulated, the Expence thereof respectively shall be paid by the Tenant of the respective Houses or Premises to which the same did belong, then every such Tenant shall and may deduct so much of the said Expence as ought to be borne and defrayed by his or her Landlord out of the next Rent of the said House and Premises, and the Landlord shall, and is hereby required to repay or allow the same accordingly.

Openings or Grates for Coals to be made and covered in according to Directions of the Commissioners.

XLI. And be it further enacted, That when any Opening shall be made in the Paving or Pitching of any of the said Streets, Lanes, public Passages and Places, for the Purpose of conveying Coals or other Things into any Vault or Cellar under the same, or for the Purpose of admitting Light into any Room, Chamber, or Cellar, the Grating or Covering to such Opening shall be made at the Expence of the Person or Persons making such Opening, and shall be made of Iron or such other Materials, of such Dimensions, and in such Manner and Form as the said Commissioners or their Surveyor shall direct or approve of; and such Grating or Covering shall, from Time to Time, be repaired, varied, and altered, at the Expence of the Person or Persons for whose Use and Benefit the same shall be possessed and enjoyed, and in such Manner and Form as the said Commissioners or Surveyor shall direct and appoint; and in case any Person or Persons shall cause any such Grating or Covering to be made, repaired, varied, or altered, or shall neglect or refuse to make, repair, vary, or alter such Grating or Covering contrary to such Direction and Appointment as aforesaid, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Shillings for every Day the said Offence shall be continued.

Commissioners may pur-

XLII. And, for the Purpose of improving the said Streets, Lanes, Ways, Passages, and public Places within the said Township of *Pontefract*,

*fraet*, and opening Communications therewith, be it further enacted, That it shall be lawful for the said Commissioners to widen such Streets within the said Town of *Pontefraet* as they shall think proper, and for that Purpose to treat, contract, and agree for, and purchase from the Owners, Proprietors, and Occupiers of, and Persons interested in any Buildings, Stalls, Steps, Bulk-heads, or other Incroachments in the said Streets and Grounds necessary for that Purpose, or so much and such Parts thereof as they the said Commissioners shall adjudge necessary to be purchased for effecting the Purposes of this Act, at such Sum or Sums of Money as shall be agreed upon, and cause such Buildings and Tenements, or so much as they shall judge necessary, to be taken down, and the Site thereof and the Ground to be so purchased, to be appropriated in such Manner, and to such Purposes as will, in the Judgement of the said Commissioners best answer the Purpose and Design of this Act; and for the effecting the Ends aforesaid, it shall and may be lawful for all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Trustees, and Feoffees in Trust, Committees of Lunatics or Idiots, Executors, Administrators, and all other Trustees, not only for and on the Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestui que* Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, and to and for every Person and Persons whomsoever, who are or shall be seised or possessed of or interested in any such Buildings and Grounds, to treat, contract, and agree with, and absolutely sell, convey, assign, or surrender to the said Commissioners, or to such Person or Persons as they shall appoint, all or any such Buildings and Grounds, or any Part thereof, or any Estate, Terms of Years, or other Interest therein, and all Contracts, Sales, and Conveyances which shall be so made, shall be valid to all Intents and Purposes, without any Fine or Recovery, any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall, and are hereby indemnified for what they shall do by virtue of this Act.

chase Buildings for widening the Streets, &c.

XLIII. And be it further enacted, That if the said Commissioners shall be desirous of purchasing for the Purposes of this Act, any such Buildings, Stalls, Steps, Bulk-heads, Incroachments, Lands, Tenements, or Hereditaments within the said Town of *Pontefraet*, and the Person or Persons, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or other Person or Persons, seised or possessed thereof, or interested therein, or any of them, shall refuse to treat, contract, and agree with the said Commissioners, or shall be absent beyond the Seas, or shall not be known, or if the Place of Residence of any such Person or Persons cannot by reasonable Inquiry be discovered, or in case the said Commissioners, and any Person or Persons with whom they may contract and agree for the Sale of any such Buildings, Lands, Tenements, or Hereditaments, shall chuse to have the Value thereof ascertained by a Jury, then and in every such case happening the said Commissioners, or any Seven or more of them, shall give or cause to be given to such Owner or Owners, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or other Persons, or leave or cause to be left at the House of the Tenant or Occupier of such Buildings, Lands, Tenements, and Hereditaments, Ten Days Notice in Writing, particularizing and describ-

If the Commissioners cannot agree for the Purchase of any Premises, the same to be settled by a Jury.

[*Loc. & Per.*]

11 A

ing

ing the same, and that the Value thereof is intended to be ascertained and settled by a Jury of indifferent Men of the *West Riding* of the County of *York*; or in case such Buildings, Lands, Tenements, or Hereditaments shall be unoccupied, shall affix the like Notice on some conspicuous Part thereof; and upon the Expiration of such Notice or Warning so to be given, left or affixed as aforesaid, the said Commissioners, or any Seven or more of thm, are hereby empowered and required to cause a Jury to be summoned by the Sheriff of the County of *York*, or his Deputy, in manner hereinafter mentioned, who is hereby empowered to call and summon before such Jury, and examine upon Oath, any Person or Persons whomsoever (which Oath the said Sheriff or his Deputy is and are hereby empowered to administer), and the said Sheriff or his Deputy shall, by ordering a View, or otherwise, use all Ways and Means for the Information of the Jury in the Premises; and after the said Jury shall have inquired of, and by their Verdict have ascertained the Value, and assessed the Sum to be paid for the Purchase of such Buildings, Lands, Tenements, or Hereditaments, the said Commissioners, or any Seven or more of them, shall thereupon order the Sum or Sums of Money so ascertained and assessed by the Jury to be the Value thereof, to be paid to the said Owners, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or other Persons interested in such Buildings, Lands, Tenements, or Hereditaments, according to the Inquisition and Verdict of the said Jury, which said Inquisition and Verdict shall be final, binding, and conclusive to all Intents and Purposes, as well against all Parties and Persons whomsoever claiming or to claim in Possession, Remainder, Reversion, or otherwise, their Heirs and Successors, Infants, Femes Covert, Lunatics, Idiots, or Persons under any Disability whatsoever, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, as all other Persons whomsoever; and for summoning and returning such Juries the said Commissioners, or any Seven or more of them, are hereby empowered to issue their Warrant to the Sheriff of the said County of *York*, requiring him or his Deputy to empanel, summon, and return Twenty-four indifferent Persons to appear before the said Sheriff or his Deputy, at such Time and Place as such Sheriff or his Deputy shall appoint; and such Sheriff or his Deputy is, and are hereby empowered and required to empanel, summon, and return such Number of Persons accordingly, and out of the Persons so summoned, empanelled and returned, or out of such of them as shall appear upon Summons as aforesaid, to draw by Ballot, and to swear or cause to be sworn Twelve Men, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff or his Deputy shall return other indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to make up the Number of Twelve; and in case the Jury so to be sworn as aforesaid shall return to the said Sheriff or his Deputy that they cannot agree in their Verdict, then it shall be lawful for the said Sheriff or his Deputy, and he and they is and are hereby required to summon, empanel, and swear another Jury in Manner and for the Purposes aforesaid; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Commissioners, or any Seven or more of them acting in the Premises, shall have full Power, from Time to Time, to impose any reasonable Fine or Fines upon such Sheriff, his Deputy, Bailiff, or Officer, making Default in the Premises, and on any of the Persons that shall

shall be summoned and returned on such Jury, who shall not appear, or appearing shall refuse to be sworn on the said Jury, or being so sworn, shall refuse to give or shall not give a Verdict, or shall in any other Manner wilfully neglect his or their Duty therein, contrary to the true Intent and Meaning of this Act, and on any of the Persons who shall be required to give Evidence before the said Jury, and shall refuse or neglect to appear, or appearing shall refuse to be sworn and examined, or to give Evidence, so that no such Fine be more than Ten Pounds on any One Person for One Offence.

XLIV. And be it further enacted, That if the Sum or Sums of Sums of Money so to be ascertained and assessed by any such Jury for the Purchase of any such Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, shall exceed the Sum or Sums of Money which shall have been agreed to and offered by the said Commissioners, or any Seven or more of them, for the same, before the summoning and returning of the Jury, that then, and in such Case, the Costs and Charges of summoning the said Jury and Witnesses shall be borne and paid by the said Commissioners out of the Rates or Assessments hereby imposed and granted, or out of any Money to be borrowed upon the Credit thereof respectively; but if the Sum or Sums of Money so to be ascertained and assessed by any such Jury shall not exceed the Sum or Sums of Money which shall have been agreed to and offered by the said Commissioners, or any Seven or more of them, before the summoning and returning the said Jury, that then, and in such Case, the Costs and Charges of summoning the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Commissioners or their Successors shall have had the Dispute, or who shall have refused to treat as aforesaid, or requested such Jury to be summoned: Provided always, that in cases where any Person or Persons shall, by reason of Absence, have been prevented from treating, the whole of such Costs and Expences shall be borne and paid by the said Commissioners in Manner aforesaid.

Expences of Jury, &c. how to be paid.

XLV. And be it further enacted, That immediately after paying the Purchase Money as aforesaid into the Bank, the said Buildings, Lands, Tenements, and Hereditaments, in respect whereof the same shall have been so paid, shall vest in the said Commissioners in Manner and for the Purpose aforesaid, who shall be deemed in Law to be in the actual Possession thereof to all Intents and Purposes whatsoever, freed and discharged from all former and other Estates, Rights, Titles, Claims, and Demands whatsoever.

After Payment of Purchase Money Premises to vest in Commissioners.

XLVI. Provided always, and be it further enacted, That if any Person or Persons, Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, Committees for Lunatics and Idiots, or other Trustees, Femes Covert, or other Person or Persons under Disability or Incapacity as aforesaid, shall be applied to by or on Behalf of the said Commissioners to treat for, sell, dispose of, or convey for any of the Purposes of this Act, any Part or Parts of any Buildings, Lands, Tenements, or Hereditaments in the actual Occupation of One Person, or of several Persons jointly, and shall by Notice in Writing to be left with the Clerk to the said Commissioners

No Person compellable to sell Part of his Property, if willing to sell the whole.

within

within Twenty Days next after such Application, signify his, her, or their Inclination or Desire to treat for, sell, dispose of and convey the Whole of such Buildings, Lands, Tenements or Hereditaments, some Part whereof shall be deemed necessary to be purchased for any of the Purposes of this Act; and if it shall happen that the said Commissioners shall not think proper or be willing to purchase the Whole of such Buildings, Lands, Tenements, or Hereditaments, then, and in every such Case, nothing in this Act contained shall extend, or be construed to extend, to compel the several Persons interested therein to treat for, sell, dispose of, or convey Part only, or less than the Whole of such Buildings, Lands, Tenements, or Hereditaments, any Thing hereinbefore contained to the contrary thereof in anywise notwithstanding.

Commissioners may resell such Parts of Premises purchased as may not be wanted for the Purposes of this Act.

XLVII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, to sell so much of such Part of any Buildings, Lands, Tenements, or Hereditaments, to be purchased by or vested in them by virtue of the Powers herein contained, as shall not be necessary for the Purposes of this Act; and the said Commissioners, or any Seven or more of them, are hereby empowered to execute any Conveyance or Conveyances thereof to a Purchaser, and all and every such Conveyance or Conveyances shall be adjudged sufficient to vest such Part or Parts of any Buildings, Lands, Tenements, or Hereditaments in the Purchaser as shall have been agreed for, or shall be expressed or meant and intended to be granted or conveyed by such Conveyance: Provided always, that the said Commissioners, before they shall sell and dispose of any Buildings, Lands, Tenements, or Hereditaments as aforesaid, do and shall offer the same to the Person or Persons, Bodies Politick or Corporate, from whom the same shall have been so purchased, and in case such Person or Persons, Bodies Politick or Corporate respectively, shall not then and thereupon agree, or shall refuse (except in respect to and on account of the Price thereof as hereinafter mentioned) to purchase or re-purchase the same respectively, any Affidavit to be made and sworn before any Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace in and for the said Borough of *Pontefract*, (who is and are hereby empowered to take the same,) by some Person or Persons no way interested in the said Buildings, Lands, Tenements, or Hereditaments, stating that such Offer was made by or on the Part and Behalf of the said Commissioners, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons, Bodies Politick or Corporate as aforesaid, to whom such Offer was made (as the Case may be,) and in Case such Person or Persons, Bodies Politick or Corporate, shall be desirous of re-purchasing the same, and he, she, or they, and the said Commissioners, shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in Manner as in this Act is directed with respect to disputed Value of Premises to be purchased by the said Commissioners as aforesaid in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as is hereinbefore directed with respect to such Purchases made by the said Commissioners, *mutatis mutandis*; and the Purchase Money, or other Monies arising under any such Conveyance shall be applied by the said Commissioners for the respective Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable

or



or accountable for any Misapplication or Non-application of such Purchase-money.

XLVIII. And be it further enacted, That if any Money shall be agreed to be paid for any Lands, Tenements, or 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 in this Act particularly mentioned, such Money, in case the same shall amount to or exceed the Sum of Two hundred Pounds, shall 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, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, and 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, or Hereditaments, which shall be conveyed or settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or 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 Bank Annuities shall be ordered by the said Court to be sold, for the Purposes aforesaid, the Dividends and annual Produce thereof 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 said Lands, Tenements, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application  
of Purchase-  
money when  
exceeding  
Two Hundred  
Pounds.

XLIX. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, 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, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committees or Committee, in Case of Infancy

Application  
when less than  
Two Hundred  
Pounds and  
above Twenty  
Pounds.

[*Loc. & Per.*]

II B

or

or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank in the Name and 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 hereinbefore 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 Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Interest and Dividends arising therefrom, may be applied in Manner hereinbefore directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application when less than Twenty Pounds.

L. Provided also, and be it further enacted, That where such Money so agreed as next before-mentioned shall be less than Twenty Pounds, then, and in all such cases, the same shall be applied to the Use of the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the Commissioners 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 to the Lands or Hereditaments so to be purchased, in Case the same was not actually purchased and settled pursuant to the Tenor and true Meaning of this Act.

In case of not making out Titles,

or if Persons cannot be found, Purchase Money to be paid into the Bank.

Subject to the Order of the Court of Chancery, by Motion or Petition.

Cashier of the Bank to give a Receipt for such Money.

LI. And be it further enacted, That in Case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners, or any Seven of them, or shall refuse to execute such Conveyance or Conveyances, or in Case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then, and in every such case, it shall be lawful for the said Commissioners, or any Seven or more of them, to order the said Sum or Sums so awarded 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, or Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the said Court, which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, or 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 and Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum

Sum or Sums, 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.

LII. 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, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the Contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such 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 said Court, that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession.

LIII. 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, 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 said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance thereof respectively, it shall be lawful for the said Court to order the Expences of all Purchases, from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, or any Seven or more of them, who shall, from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

LIV. And be it further enacted, That the said Commissioners may cause such and so many Sewers, Drains, and Vaults, as they shall think necessary to be dug and made, in, along or across any of the Streets, Lanes, Alleys, Passages, Yards, and Places within the said Town of *Pontefract*, and also any of the Sewers, public Drains or Vaults which now are or hereafter shall be within the said Town of *Pontefract*, to be enlarged, widened, raised, altered, removed, repaired, cleansed, or scoured, when and as often as to them the said Commissioners shall seem meet; and for any of the said Purposes shall, from Time to Time, cause to be dug, carted, or carried out of, or brought into the said Streets or Places, or any of them, such Gravel, Stones, Bricks, and other Materials as they shall judge necessary; and also shall and may cause such and so many  
Grates

Commissioners may make Drains, &c.

Grates and Openings to be made therein for the conveying and carrying off the Filth, foul and other Waters from the Houses built or to be built, adjoining to such Streets, Lanes, public Passages or Places in the said Town of *Pontefraet*, into the said Sewers, public Drains and Vaults, as the said Commissioners shall and may think necessary and expedient for that Purpose; and the said Commissioners are hereby authorized and empowered to purchase such Ground as shall be necessary for making and enlarging such public Drains and Sewers.

Provision for  
lighting  
Streets.

LV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, and at all or any Time or Times hereafter, to cause Lamp-irons or Lamp-posts to be put or affixed into, upon, or against the Walls or Palisades of any of the Houses, Tenements, or Buildings within the said Town of *Pontefraet*, and also in such other Streets, Lanes, or other public Passages or Places as shall be hereafter built upon or made within such Distance as aforesaid, or in such other Manner and Place as they shall think proper and convenient; and also to cause such Number of Lamps of such sizes and sorts, to be provided and affixed, or put upon such Lamp irons or Lamp-posts, as they shall think proper or necessary, for lighting all or any of the said Streets, Lanes, and other public Passages and Places; and to be taken down, altered, or renewed, when and as often as they shall think fit; and to cause such Lamps or any of them, to be lighted at such Seasons of the Year, on such Evenings, and such Hours of the said Evenings, and to be kept burning for so many Hours, as shall seem necessary or proper; and if any Person or Persons shall wilfully take away, break, throw down, carry away, spoil, or damage any of the Lamps which shall be erected by, or by the Order of the said Commissioners, or any of the Posts, Irons, or other 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 of the said Borough of *Pontefraet*, and he is hereby required, upon Complaint of any One or more of the said Commissioners, or of their Clerk or Treasurer, and on the Oath of any 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, as 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, or any Watchman or Watchmen, to be appointed under this Act, in order to be secured and conveyed before some Justice of the Peace of the said Borough of *Pontefraet*; and the Party accused being brought before any such Justice, or 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 as aforesaid, he, she, or they so convicted, shall for each and every Offence forfeit and pay any Sum not exceeding Ten Pounds, and full Satisfaction, to be ascertained by such Justice, shall be made to the said Commissioners or to their Treasurer or Clerk, 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

Penalty for  
wilfully  
breaking  
Lamps, &c.

by him, her, or them incurred, and make such Satisfaction as aforesaid, the Justice before whom such Offender or Offenders shall be convicted, is hereby required to commit him, her, or them to the common Gaol or House of Correction for the said Borough of *Pontefraet*, there to be kept to hard Labour for any Time not exceeding Two 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 be sooner paid and given; and One Moiety of the said respective Forfeitures when recovered, shall be paid to the Informer or Informers; and if any Person or Persons shall negligently or accidentally break, throw down, or otherwise damage any of the said Lamps, or any of the Posts, Irons, or other Furniture thereof, and shall not, upon Demand by the said Commissioners, or by their Treasurer or Clerk, make Satisfaction to them, or one of them, for the Damage by such Person or Persons so done, it shall be lawful for any Justice of the Peace for the said Borough of *Pontefraet*, and he is hereby required, upon Complaint thereof made by any One or more of the said Commissioners, or their Treasurer or Clerk, to summon the Parties 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 the said Complaint, and upon Proof thereof, either by the Confession of the Party complained of, or by the Oath of One or more credible Witnesses or Witnesses, shall award or 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 or Order, to be levied and recovered in like Manner as the Rates and Assessments hereby made payable, are directed to be recovered.

Accidentally  
breaking  
Lamps, &c.

LVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to establish such and so many able-bodied Watchmen as they shall judge necessary and proper, to patrol and guard the said Streets, Lanes, Passages and Places, and shall likewise order and direct, in Writing, how, where, and in what Manner they shall be stationed and armed, and how they shall go their Rounds, how long they shall continue on Duty, and under what Allowance of Wages for their Attendance, and shall give such other Orders and Directions to such Watchmen as they shall think proper; and shall and may also erect, hire, or otherwise provide proper Boxes or Places for the Reception of the said Watchmen, against any Houses, Walls, or Places as they may think fit; and that it shall be lawful for the said Commissioners to remove any such Watchmen on Misbehaviour or neglect of Duty, and impose any Fine or Sum of Money not exceeding Five Shillings for every Neglect or Misbehaviour of any such Watchmen, such Fine to be deducted out of his or their Wages or Allowance; and it shall be lawful for the said Watchmen or any of them, and they are hereby respectively authorized and required, during the Time of their keeping Watch and Ward, to apprehend and secure in the Watch-house or any other Place of Security within the said Town of *Pontefraet*, all such Malefactors, Disturbers of the King's Peace, Nightwalkers, and all other suspected Persons, as shall be found wandering and misbehaving

Provision for  
appointing  
Watchmen.

[*Loc. & Per.*]

11 C

themselves,

themselves, and carry such Person or Persons, as soon as conveniently may be, before some Justice of the Peace of the said Borough of *Pontefract*, to be examined and dealt with according to Law.

Power to dig  
for Gravel,  
&c.

LVII. And be it further enacted, That for the more effectually carrying this Act into Execution, any Surveyor or other Person to be employed by the said Commissioners, or any Person or Persons to be appointed or employed by such Surveyor or other Person, shall and may, and they are hereby empowered to dig for, take, and carry away any Gravel or other Materials fit and proper for the paving and covering the Pavements in the said Highways, Streets, Lanes, publick Passages and Places, or which they shall judge necessary or fitting to be used in and about the said Highways, Streets, Lanes, public Passages and Places, or the Pavements thereof, or for any other Purpose whatsoever, in the Execution of this Act, or any of the Powers and Authorities herein contained, in such Manner, and in and from such and the same Places, as Surveyors of the Highways are now empowered by Law to do.

Penalty on  
Persons hin-  
dering the  
Execution of  
this Act.

LVIII. And be it further enacted, That if any Person or Persons shall at any Time or Times hereafter obstruct, hinder, or molest any of the said Commissioners, or their Collector, Treasurer, Clerk, Surveyor, or other Officer or Officers, or any Person or Persons whomsoever, who shall be employed to put this Act in Execution, in the Performance or Execution of his or their Duty, every such Person so offending, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Actions, &c.  
to be brought  
in the Name  
of the Clerk,  
&c.

LIX. And be it further enacted, That wherever any Indictment, Action, or Suit shall be preferred or brought by Order of the said Commissioners against any Person or Persons, by virtue or in pursuance of this Act, the same may be preferred or brought in the Name of the Treasurer, Clerk, or Surveyor, or in the Name or Names of one or more of the said Commissioners, on behalf of all the said Commissioners; and no such Indictment, Action, or Suit, shall abate, or be discontinued, by the Death, Suspension, or Removal of the Person or Persons in whose Name or Names the same shall be preferred or brought; but no Person or Persons in whose Name or Names any such Indictment, Action, or Suit shall be brought, commenced, or prosecuted, shall be subject to the Payment of any Costs and Expences, or be personally liable on account thereof; but that all Costs and Expences to be incurred by or on behalf of the said Commissioners, or any Person or Persons employed by them in prosecuting or defending any Action, Suit, or Prosecution touching the Execution of this Act, shall be defrayed out of the Money to arise by virtue of this Act.

Present  
Pump, &c.  
vested in the  
Commission-  
ers.

LX. And whereas the Inhabitants of the said Town of *Pontefract* have Time immemorially been supplied with Water from a certain Pump called the *Cross Pump*, standing in the Market Place there, but there being no Person or Persons liable to repair the same, or any Fund out of which the same can be repaired and supported, by reason whereof the said Pump and the Pipes thereto belonging are become very ruinous and in decay; for Remedy whereof, be it further enacted, That the said Pump, and all Springs, Conduits, Pipes, Wells, Cuts, Trenches, Water-courses, Streams, or Sources of Water, and other Works thereto belonging, and which now are and immemorially have been used and enjoyed by

by the said Inhabitants of *Pontefract*, and which from and immediately before the passing of this Act, any Bodies Politick or Corporate, Aggregate or Sole, or other Person or Persons whomsoever, were entitled unto or possessed of in Trust for the Inhabitants thereof, for their Use and Benefit, shall from and immediately after the passing thereof, be vested in, possessed by, and belong unto the said Commissioners and their Successors, as fully, effectually and beneficially, and in as large and ample Manner and Form to all Intents and Purposes whatsoever, as they the said Bodies Politick or Corporate, Aggregate or Sole, or other Person or Persons at or immediately before the passing hereof were entitled thereto, or were in Possession thereof as aforesaid; subject nevertheless to be used, possessed, and disposed of for the Use and Benefit of the Inhabitants of the said Town of *Pontefract*, and not otherwise.

LXI. And be it further enacted, That the said Commissioners shall have Power and Authority to lay fresh Pipes or Conduits through or under any of the Highways, Causeways, Streets, or Lanes, between any Springs, Streams, or Sources of Water, and the Pump at the *Market Cross*, as they may think proper; and also to cause the Water passing through any such Pipes, and likewise the Water arising from any Spring, Source, or Stream, to be purchased as hereinafter mentioned, to be conveyed into the said Town of *Pontefract*, and for that Purpose to make and maintain any Cuts, Trenches, and Water-courses, and to sink and lay any Pipes, and to erect any Engines, Pumps, and other Works within the said Town of *Pontefract*, and to cause to be dug and broke the Soil and Pavement of any Roads, Streets, and other publick Passages and Places, and from Time to Time to do such other Acts, Matters, and Things, as shall be necessary for conveying Water into the said Town of *Pontefract*, and for preserving, keeping, and distributing the same for the Use and Supply of the Inhabitants, the respective Persons employed in such Works not interfering with or doing any Damage to any Land or private Property, and filling in the Trenches, and making good the Ground which shall be opened and broken up for laying and repairing any such Pipes, and carrying away the Rubbish occasioned thereby, as soon as conveniently may be; and, in the mean Time, guarding the Places where any Ground shall be opened in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages: Provided nevertheless, that no House or other Building, Yard, Orchard, Garden, planted Walk, Lawn, or Avenue to a House, or any Lands, Tenements, or Hereditaments whatsoever, other than where the said Pipes are now and heretofore have been laid, be entered into or injured, or any Trench or other Work made therein for the Purpose of this Act, without the Consent of the Owner thereof; and provided also, that nothing be done by the said Commissioners to injure the present Supply of Water at the *Market Cross*: Provided always, that nothing in this Act contained shall authorize or empower the said Commissioners, or any other Person or Persons, to divert, turn, take, or use any Water from any Springs, Streams, or Ponds, so as to deprive or injure the Occupier of any Houses, Buildings, Lands, or Hereditaments, who now lawfully use or enjoy the same from having the Benefit thereof, in as full and ample a Manner as he or they had before been used and accustomed to do.

Power to lay  
Pipes, &c.

but not enter  
private Pro-  
perty without  
Consent of the  
Owner.

Not to injure  
the Right of  
any Indivi-  
dual.

LXII. And be it further enacted, That the said Commissioners shall and they are hereby required, upon the carrying into and laying down any

Requiring the  
Commission-

Main

ers to make  
Fire-plugs in  
every Street.

Main Pipe in any Square or Street, Passage or Place, for the supplying the same with Water, to fix and place or cause to be fixed and placed at the Time of laying down such Pipe a proper and sufficient Fire Plug in each Square, Street, Passage, or Place supplied with Water from such Main, for the Supply of Water for the extinguishing of Fires, and when and so soon as any such Fire Plugs shall be finished, the said Commissioners shall immediately deliver a Key or Keys of such Fire Plug or Fire Plugs at each and every House or Place in the said Borough in which such Fire Plug shall be, wherein any Engine shall be kept for the extinguishing of Fires.

Commissioners may contract for Springs, &c.

LXIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to contract and agree with the Owners of and other Persons interested in any Spring or Stream of Water for the Purchase thereof, or for the Damage to be done thereto for the Purposes of this Act; and it shall be lawful for all Corporations, Aggregate or Sole, Husbands, Guardians, Trustees, Committees, and other Persons, as well for and on behalf of themselves, their Heirs and Successors, as of any Females Covert, Infants, Lunatics, or Persons under any other Disability or Incapacity, who are or shall be seised, possessed of, or interested in any Springs, Streams, or Sources of Water as aforesaid, to sell and convey to the said Commissioners and their Successors (which Conveyance they are hereby enabled to accept and take), or to such other Persons and their Heirs as the said Commissioners shall direct or appoint, all or any such Springs, Streams, or Sources of Water, or their respective Interests therein, for the Purposes aforesaid, for such Price or Sum, by annual Payments or in Gross, as shall be agreed upon between the said Commissioners and the Person or Persons so seised, possessed of, or interested in such Springs, Sources, or Streams, in such Manner and Form, and under and subject to such Conditions, Restrictions, Regulations, and Directions, both with regard to the Reinvestment of the Purchase Money, under the Direction of the Court of Chancery, and otherwise, as is hereinbefore provided, directed, expressed, and declared, of and concerning the Purchase Money to be paid for all Houses, Buildings, and Grounds which may be purchased for the Purpose of widening Streets.

Water to be free for the Use of all the Inhabitants, subject to the Regulations of the Commissioners.

LXIV. And be it further enacted, That the Water now or hereafter so to be conveyed into the said Town of *Pontefract* as aforesaid, shall be free for the Use of all the Inhabitants thereof, and shall and may be from Time to Time taken by them as Occasion may require, subject nevertheless to such Rules and Regulations as the said Commissioners shall from Time to Time make and establish concerning the taking of such Water, and which Rules and Regulations, after the same shall have been affixed in Writing, under the Hand of the Clerk, to the said Commissioners, upon such publick and conspicuous Place or Places within the said Town of *Pontefract* as they shall direct, and not being repugnant to Law, shall be binding upon all the Inhabitants of said Town of *Pontefract*; and the said Commissioners are hereby authorized and empowered to impose and inflict such reasonable Fines and Forfeitures upon Offenders against such Rules and Regulations, as to the said Commissioners shall seem meet, not exceeding the Sum of Ten Shillings for any one Offence; and if any Person or Persons shall remove, take away, or wilfully destroy, damage, or injure any Engine, Reservoir, or Pipe, or other Matter or Thing which shall be



be made, provided, or procured for, or relating to the getting, conveying, preserving, or keeping Water for the Use or Supply of the said Inhabitants as aforesaid, or any of the Materials used or provided for the same, or shall cast or throw any Dirt or Filth into any such Reservoir, or cause or procure the same to be done, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds, and shall also forfeit and pay to the said Commissioners the full Amount of the Damage to be so done, such Damage to be recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered.

LXV. And be it further enacted, That all Penalties and Forfeitures by this Act imposed and incurred, for the Recovery and Application whereof no particular Method is already directed, shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Town, County, City, Riding, or Place where the Offence shall be committed, which Warrant the said Justice is hereby empowered and required to issue upon the Confession of the Party or Parties, or upon the Evidence of any credible Witness upon Oath, (which Oath such Justice is hereby empowered and required to administer without Fee or Reward), and the Overplus, if any, of the Money arising by such Distress and Sale, shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale; and the Penalties and Forfeitures when recovered, if not hereinbefore directed to be otherwise applied, shall be paid to the Treasurer or to the said Commissioners, and be applied for such of the Purposes of this Act as the said Commissioners shall think fit; and in Case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction, for any Time not exceeding Three Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the same, shall be sooner fully paid or satisfied.

Recovery of Penalties.

LXVI. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, to compound and agree with any Person or Persons against whom any Action or Suit shall be brought, commenced, or prosecuted, for any Penalty contained in any Contract to be entered into as aforesaid, on Account of any Breach or Non-performance of any such Contract, and of all the Costs and Expences to be occasioned thereby, and also to mitigate, or compound, or lessen any of the Forfeitures incurred under this Act, so that the Mitigation of such Forfeitures do not extend to remit above One Moiety of the said Forfeitures respectively.

Commissioners may agree and compound Suits. &c.

LXVII. And be it further enacted, That all and every Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn in the Form, and to the Effect contained in the said Schedule.

Conviction to be drawn as in the Schedule.

[Loc. & Per.]

11 D

LXVIII. And

Appeal to the  
Sessions.

LXVIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment to be made, or Money to be levied, or Penalty imposed in pursuance of this Act (except in such Cases wherein the Determination hereinbefore directed is declared to be final), such Person or Persons may appeal to the next General Sessions of the Peace, to be holden in and for the said Borough of *Pontefract* next after the Expiration of One Calendar Month from the Time such Matter of Appeal shall have arisen, such Appellant or Appellants first giving or causing to be given Ten 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 Treasurer of the said Commissioners; and the said Justices at such Sessions, upon due Proof of such Notice being given, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such General Sessions shall be binding, final, and conclusive to all Intents and Purposes.

Distress not  
unlawful for  
want of  
Form.

LXIX. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in any Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser, *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 may recover full Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff or Plaintiffs shall recover in any such Action for such Irregularity, or for any Trespass or wrongful Proceeding, unless Notice in Writing shall be given Fourteen Days before such Action for such Irregularity shall be brought, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of sufficient Amends shall have been made to him, her, or them, or his, her, or their Attorney, by or on the behalf of the Defendant or Defendants before such Action brought, and in Case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceeding, 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.

Rates and  
Proceedings  
not to be  
quashed for  
want of Form,  
nor remove-  
able by Cer-  
tiorari, &c.

LXX. And be it further enacted, That no Order, Rate, Assessment, Verdict, Judgement, or other Proceeding 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.

LXXI. And

LXXI. And be it further enacted, That no Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, or in Relation to the Matters therein contained, until Twenty-one Days Notice thereof be given to the Treasurer or Clerk of the said Commissioners, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of *York*, 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 the General Issue, and 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 the Expiration of Twenty-one Days next after such Notice shall have been given as aforesaid, or after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every of the said Cases 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 and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants have or hath in other Cases by Law.

Actions not to be brought unless Notice previously given.

LXXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, abridge, lessen, alter, or affect the Rights, Franchises, Markets, Fairs, Stallages, Liberties, Privileges, Powers, Duties, Rents, Revenues, Tolls, or Profits whatsoever of the Mayor, Aldermen, and Burgeesses of the said Town of *Pontefract*, but that they the said Mayor, Aldermen, and Burgeesses shall and may have use and exercise, all and every such Rights, Franchises, Markets, Fairs, Stallages, Liberties, Privileges, and Powers, and receive and enjoy all and every such Droits, Duties, Rents, Revenues, Tolls, or Profits, in as full and ample a Manner to all Intents and Purposes as if this Act had not been made, save and except only such as are expressly taken away or altered by this Act.

Act not to prejudice or alter the Rights of the Corporation.

LXXIII. And whereas for the better securing to the said Inhabitants of *Pontefract* and *Tanshelf* the Enjoyment of and Advantages arising from the said Pasture or Allotment called *Pontefract Park* Pasture, it has been found by Experience that the following Alterations and Amendments of and in the said recited Act are become necessary and expedient; be it further enacted, That the Trustees therein mentioned for the Time being, shall, and they are hereby required, at their Annual Meeting to be held in the Month of *April* in every Year, to examine, ascertain, and make out a List of the Persons who shall appear to be then duly qualified to be the Trustees of the said Pasture, according to the Qualifications required by the said recited Act, and that the Thirty-seven Persons who shall so then appear to be the Persons so qualified and included and set down in the said List, and the Survivors of them, shall be the Trustees of the said Pasture for the ensuing Year, and until a new List shall in like Manner be ascertained and prepared, notwithstanding any Change or

Park Trustees to be annually ascertained and fixed.

Vacancy

ACTIONS to be brought in the Name of their Clerk.

Vacancy that may occur in the mean Time by Death, Removal, Change or Transfer of Property, or otherwise howsoever; and that whenever it shall be necessary to bring or prefer any Action, Suit, or Indictment at the Instance or on the Part of the said Trustees, against any Person or Persons whomsoever, the same may be brought or preferred in the Name of the Treasurer or Clerk to the said Trustees, and the Property stated and laid to belong to such Treasurer or Clerk, and no such Action, Suit, or Indictment shall abate or be discontinued by the Death, Suspension, or Removal of the Person or Persons in whose Name or Names the same shall be brought or preferred, but no Person or Persons in whose Name or Names any such Action, Suit, or Indictment shall be brought, commenced, or prosecuted, shall be subject to the Payment of any Costs and Expences, or be personally liable on Account thereof, but that all Costs and Expences to be incurred by or on the behalf of the said Trustees, or any Person or Persons employed by them in prosecuting or defending any Action, Suit, or Indictment, touching the Execution of the said recited Act, shall be defrayed out of the Money to arise by virtue thereof.

Agistment-money made perpetual.

LXXIV. And be it further enacted, That from and after the passing of this Act there shall be paid the Sum of One Pound and One Shilling for every Gelding or Mare, and Twelve Shillings for every Cow, by every Person having or claiming a Right to stock the said Portion or Allotment in and by virtue of the said recited Act, which Payments shall be and the same are hereby made perpetual, but subject to be returned to such Claimants, in Case they shall not obtain a Right to stock the said Pasture in like Manner as is provided for in and by the said recited Act, any Thing in the said recited Act to the contrary notwithstanding.

New Inhabitants not to have a Right to stock until an Inhabitant Householder.

LXXV. Provided always, and be it further enacted, That for the better ascertaining who shall have a Right to stock the said Pasture, and securing the same to the *bona fide* Inhabitants of *Pontefract* and *Tanshelf*, that no Person or Persons who shall come to reside in either of the said Towns of *Pontefract* or *Tanshelf*, at any Time after the passing of this Act, shall be permitted to ballot for or have a Cattle Gate in the said Portion or Allotment until he, she, or they shall have been an Inhabitant-Householder resident within One of the said Townships of *Pontefract* or *Tanshelf*, or both of them, for the Term of Three Years next preceding the Time of his, her, or their appearing to claim the same, but that nothing herein contained shall extend to alter, change, affect, defeat, or destroy the Right of any Person or Persons who shall be entitled to have a Cattle Gate in the said Pasture or Allotment at the Time of the passing of this Act; or of any Person or Persons who shall become an Inhabitant-Householder by virtue or in consequence of any Marriage, Death, or Descent, or by becoming the legal Personal Representative of any Person deceased, in Case the Person or Persons in whose Right, or under whom any other Person or Persons shall become an Inhabitant-Householder as aforesaid, by virtue of any such Marriage, Death, Descent, or Representation as aforesaid, shall have been such an Inhabitant-Householder for the Term of Three Years; but in Case such Person or Persons under whom or in whose Right any such Claim shall be made, shall have been an Inhabitant Householder for a less Term than Three Years, then that the Person or Persons so claiming as aforesaid, shall not have a Right to stock the said Pasture, until he, she, or they shall have been an

Inhabitant.

Inhabitant-Householder as aforesaid, for so much longer and further Time as shall be requisite to make up the said Term of Three Years in the whole: Provided always, that no Person shall be deemed to have ceased to become an Inhabitant-Householder as aforesaid, so long as he or she shall continue the absolute Possession and Occupation of the Dwelling-house in which he or she resided, and shall continue to pay all Parliamentary and Parochial Taxes and Assessments in respect of and for the same.

LXXVI. Provided always, and be it further enacted, That in Case any Person or Persons shall be convicted of putting into or continuing in the said Pasture any Cattle, not being *bona fide* his, her, or their own, as in the said recited Act is mentioned and required, such Person or Persons so convicted as aforesaid, shall be disqualified from claiming any Right to Stock the said Pasture, or to enjoy any Benefit or Advantage arising therefrom for the Space of Ten Years.

Persons convicted of fraudulently stocking, to lose their Right for Ten Years.

LXXVII. And, that the several Advantages arising from the said Pasture may be the more equally distributed amongst all the said Inhabitants, be it further enacted, That the said Trustees of the said Park-Pasture shall, out of the Monies arising by virtue of the said recited Act and of this present Act, pay or cause to be paid unto the Commissioners hereinbefore appointed, or to their Treasurer for the Time being, the Sum of Forty-five Pounds Yearly, and every Year on the Twelfth Day of *May*, to be by them the said Commissioners laid out and expended in and for the Purposes of this Act, in Aid of the Assessments to be made and levied by virtue hereof; and also shall pay or cause to be paid unto the Surveyors of the Highways of the said Township of *Tanshelf* for the Time being, the further annual Sum of Five Pounds and Ten Shillings, to be by the said Surveyors laid out in the paving, repairing, and amending the several Streets and Pavements within the said Township of *Tanshelf*.

Payment of Forty-five Pounds out of the Park Fund to the Purposes of this Act, and Five Pounds and Ten Shillings to the Surveyors of Tanshelf annually.

LXXVIII. And be it further enacted, That this Act shall be 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.

Publick Act.

## SCHEDULE to which the foregoing Act refers.

*Form of Security for Money borrowed at Interest.*

BY virtue of an Act, made in the Fiftieth Year of the Reign of King  
 George the Third, intituled [*set forth the Title of this Act*], We,  
 the Commissioners appointed by the said Act, in consideration of the  
 Sum of \_\_\_\_\_ advanced and lent to the said Com-  
 missioners by \_\_\_\_\_ upon the Credit and for the Pur-  
 poses of the said Act, do hereby charge the Rates and Assessments to  
 be made by virtue of the said Act, and the several Sums of Money to  
 be raised thereupon, with the Payment unto the said  
 \_\_\_\_\_ his Executors, Administrators, and Assigns, of the Prin-  
 cipal Sum of \_\_\_\_\_ and Interest at  
 \_\_\_\_\_ *per Centum, per Annum*, to be paid Half Yearly from henceforth.—  
 Witness our Hands the \_\_\_\_\_ day of \_\_\_\_\_

*Form of Security for an Annuity.*

BY virtue of an Act passed in the Fiftieth Year of the Reign of King  
 George the Third, intituled 'An Act,' &c. [*set forth the Title of  
 this Act*]. We, the Commissioners appointed by the said Act, in  
 consideration of the Sum of \_\_\_\_\_ paid by  
 \_\_\_\_\_ to the said Commissioners, do hereby charge the Rates  
 and Assessments to be made by virtue of the said Act, and the several  
 Sums of Money to be raised thereupon, with the Payment unto the  
 said \_\_\_\_\_ his Executors, Administrators, and Assigns,  
 of one Annuity or Yearly Sum of \_\_\_\_\_ to be paid at the Town  
 Hall in *Pontefract* aforesaid, by equal Quarterly Payments (that is to  
 say) on the \_\_\_\_\_ Day of \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ the  
 \_\_\_\_\_ Day of \_\_\_\_\_ and \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ in every Year during  
 the natural Life of \_\_\_\_\_ the First Payment thereof to be made upon  
 the \_\_\_\_\_ Day of \_\_\_\_\_ now next ensuing, and a propor-  
 tionable Part of such Annuity or Yearly Sum to be paid from the  
 last Day of Payment to the Day of the Death of the said  
 \_\_\_\_\_ In Witness whereof we have hereunto set our Hands, &c.

*Form of Assignment of Securities.*

I, \_\_\_\_\_ the within named \_\_\_\_\_ in consideration of the  
 Sum of \_\_\_\_\_ to me paid by \_\_\_\_\_  
 of \_\_\_\_\_ at or before the signing hereof (the Receipt  
 whereof I do hereby acknowledge), do assign and transfer all, &c.  
 [*here describe the Property, &c.*] and all my Right, Title, and Interest  
 in and to the same, and the Money [*or, the Annuity*] thereby secured  
 unto the said \_\_\_\_\_ his Executors, Administrators, and Assigns.—  
 Witness my Hand the \_\_\_\_\_ day of \_\_\_\_\_

*Form*



1887. 1888. 1889. 1890. 1891. 1892. 1893. 1894. 1895. 1896. 1897. 1898. 1899. 1900.