



ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

Cap. lxx.

An Act to alter, amend, and enlarge the Powers of an Act of the Second Year of His late Majesty's Reign, intituled *An Act for the enlightening the Streets, Lanes, and Passages within the Town and County of the Town of Nottingham.*
[28th May 1821.]

WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty King George the Third, intituled *An Act for enlightening the Streets, Lanes, and Passages within the Town and County of the Town of Nottingham*: And whereas by the said Act the yearly Sum to be raised under the Powers thereof for lighting the said Town is limited to Two hundred and thirty Pounds: And whereas the Streets, Lanes, and Passages within the said Town and County of the Town of *Nottingham*, have, since the passing of the said recited Act, greatly increased in Number and Extent, insomuch that the said Town cannot be effectually lighted unless the Powers of the said Act be altered, amended, and enlarged, and some further Powers granted for carrying the said Act into Execution; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited

[Local.]

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Act

Certain Part
of the said
Act repealed.

Act as requires that Thirteen at least of the Directors and Trustees appointed for carrying the said Act into Execution shall be present at every Meeting held for the Purposes thereof, shall be and the same is hereby repealed, and null and void to all Intents and Purposes whatsoever.

Quorum of
Directors
and Trustees
reduced.

58G.3. c. lvii.

II. And be it further enacted, That from and after the passing of this Act any Five or more of the Directors and Trustees appointed by the said Act, or to be appointed under or by virtue thereof and of this Act, shall be and they are hereby authorized and empowered to act in the Execution of the said recited Act and this Act, as fully and effectually as by the said Act Thirteen or more of the said Directors and Trustees are authorized to act in the Execution thereof: Provided always, that no Person being a Proprietor or Holder of any Share or Shares created or to be created under or by virtue of an Act passed in the Fifty-eighth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for lighting with Gas the Town and County of the Town of Nottingham*, shall, during the Time of his being such Proprietor or Shareholder, be allowed to act, or shall act as a Director and Trustee or otherwise in the Execution of the said recited Act and this Act, in the Treaty for, or for the Formation of, or during the Continuance of, any Contract with the *Nottingham Gas Light and Coke Company*, or in any Question which may hereafter arise between the Trustees and the said Gas Light and Coke Company, as to the due Performance of any Contract which may be entered into between them.

Repealing a
certain Part
of the said
Act of
2 Geo. 3. as
relates to the
Appointment
of Assessors.

III. And be it further enacted, That so much of the said recited Act as enables the Directors and Trustees nominated and appointed by the said Act, or any Thirteen or more of them, under their Hands and Seals, to nominate and appoint Two Inhabitants resident in each respective Parish within the said Town, to be Assessors, in order to raise Money for the Purposes in the said Act mentioned, and which empowers and requires such Persons so nominated and appointed Assessors, to make and settle a Quarterly or Half-yearly Rate or Rates in manner therein mentioned, not exceeding the Sum of Two hundred and thirty Pounds Yearly and every Year, shall be and the same is hereby repealed and declared null and void to all Intents and Purposes whatsoever.

Power to
appoint
Assessors.

IV. And be it further enacted, That from and after the passing of this Act the Directors and Trustees nominated and appointed in and by the said recited Act, or any Five or more of them, assembled from Time to Time under and by virtue of the said recited Act or of this Act, for effecting the Purposes thereof respectively, shall and may under their Hands nominate and appoint Two or more Inhabitants, resident in each respective Parish within the said Town, to be Assessors, in order to raise Money for the Purposes in the said Act and in this Act mentioned; and such Persons so nominated and appointed Assessors, or any Three or more of them, are hereby empowered and required to make and settle from Time to Time, yearly or oftener, an equal Rate or Assessment upon the Occupiers of all Messuages, Houses, Tenements, Malshouses, Granaries, Warehouses, and other Buildings only, situate and being within the several Parishes within the said Town, who are or shall be rated to the Poor's Rate at Three Pounds or upwards, such Rate not to exceed in the

Whole in any One Year the Sum of One Shilling and Sixpence in the Pound of the Annual Value of such Messuages, Houses, Tenements, Malthouses, Granaries, Warehouses, and Buildings respectively, such Annual Value to be from Time to Time settled and ascertained by the Rate or Assessment which shall have been made upon each and every such Messuage, House, Tenement, Malthouse, Granary, Warehouse, and Building, to the Poor's Rate, next immediately preceding the making of every such Rate by virtue of this Act; which Rate and Rates, Assessment and Assessments, hereby directed to be made, shall be signed by any Two or more Justices of the Peace for the said Town, and shall be afterwards collected, paid, and levied in such and the same Manner as the Rates and Assessments, by the said recited Act directed to be made, are by the said Act directed to be collected, paid, and levied: Provided nevertheless, that no larger Sum than One thousand Pounds shall in any One Year be raised or collected under or by virtue of this or of the said recited Act.

V. And whereas by the said recited Act it is enacted, that Four Days previous Notice of every Meeting of the said Directors and Trustees for the Purpose of acting in the Execution of the Powers and Authorities thereby given to them, and of every adjourned Meeting of the said Directors and Trustees for the Purpose aforesaid, shall be given by affixing such Notice on all the Market Crosses and Church Doors within the said Town: And whereas since the passing of the said Act all the Market Crosses within the said Town have been removed and have ceased to exist; be it therefore further enacted, That so much of the recited Act as requires such previous Notices to be affixed on all the Market Crosses within the said Town shall be and the same is hereby repealed; and that from and after the passing of this Act the Directors and Trustees appointed in or by virtue of the said recited Act, or any Five or more of them, shall and may and they are hereby empowered to do any Act or Acts in the Execution of the Powers by the said recited Act given to them and not hereby repealed, and of the Powers by this Act given to them, at any Meeting or adjourned Meeting requiring previous Notice, in case Four Days previous Notice of such Meeting or adjourned Meeting, signed by the Clerk to the said Directors and Trustees, shall be affixed upon all the Church Doors within the said Town, and inserted in some One or more of the Public Newspapers printed or circulated within the said Town and County.

Repealing certain other Parts of the said Act of 2 Geo. 3. as relates to giving Notices on the Market Crosses, &c. and making other Provision instead thereof.

VI. And be it further enacted, That it shall and may be lawful to and for the said Directors and Trustees, or any Five or more of them, and they are hereby authorized and empowered, from Time to Time to contract and agree with the Company of Proprietors established by the said Act of the Fifty-eighth Year of the Reign of His said late Majesty, or with the Committee of Management of the said Company, or with any other Person or Persons, for lighting the several Streets, Lanes, and other Public Passages and Places within the said Town, with Gas, Oil, or other Material; and every such Contract shall be good, valid, and binding, as well upon the said Directors and Trustees, as upon the other Party or Parties thereto; and in case any such Contract shall not be well and sufficiently performed and executed, the said Directors and Trustees, or any Five or more of them, may cause an Action or Suit to be brought in any of His Majesty's Courts of Law or Equity upon every such Contract,

Power to contract with the Gas Light Company.

either

either for a specific Performance of such Contract, or for any Penalty therein contained, or for any Damage sustained by reason of the Non-performance thereof.

Clerk restrained from acting as Treasurer, and vice versa.

VII. And be it further enacted, That it shall not be lawful for the said Directors and Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or either of them, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Act and this Act, or either of them, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Directors and Trustees for executing the said Act and this Act, or either of them; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Act and this Act, or either of them, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said Act and this Act, or either of them, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Declaring in whose Names Actions may be brought.

VIII. And be it further enacted, That whenever any Action or Suit shall be brought or commenced by or by Order of the said Directors or Trustees, or any Five or more of them, against any Person or Persons by virtue or in pursuance of this Act, or of the said recited Act, the same may be brought in the Name or Names of any One or more of the Directors and Trustees appointed in or by virtue of the said recited Act, or in the Name of the Clerk or Treasurer to the said Directors and Trustees; and no such Action or Suit shall abate or be discontinued by the Death or Removal of the Person in whose Name the same shall be brought, or by any Act to be done by him or them without the Consent of the said Directors and Trustees, or any Five or more of them; but no such Directors and Trustees, or Treasurer or Clerk, shall be subject to the Payment of any Costs or Expences in respect thereof, but the same shall be defrayed and paid out of the Money to arise by virtue of the said recited Act and this Act, or either of them.

Power to provide Lamps, &c. and Penalty on Persons breaking or damaging them.

IX. And be it further enacted, That it shall and may be lawful to and for the said Directors and Trustees, or any Five or more of them, from Time to Time to provide so many Glass Lamps, Lamp Irons, Posts, and other Furniture and Things, as to them shall seem necessary for effectually lighting the several Streets, Lanes, Public Passages and Places within the said Town, and to fix and place the same upon or against the Walls or Palisadoes of the Houses, Tenements, or Buildings, or in such other Places within the said Town as they shall think proper; and the said Glass Lamps, Lamp Irons, Posts, and other Furniture and Things so to be provided, shall be and the same are hereby declared to be the Property of and vested in the said Directors and Trustees; and if any Person shall wilfully break, throw down, take away, spoil, or damage any
of

of the Lamps already provided and put up under or by virtue of the said recited Act, or to be provided and put up under or by virtue thereof; and of this Act, or any of the Irons, Posts, or Furniture thereof respectively, or shall extinguish the Light in any such Lamp or Lamps aforesaid, every Person so offending shall for each Offence forfeit and pay to the said Directors and Trustees any Sum not exceeding Ten Pounds, according to the Judgment of any Justice of the Peace for the said Town, or any Justice of the Peace of the County of *Nottingham*, and to be recovered, levied, and appropriated in manner herein-after directed; and such Offender shall also pay to the said Directors and Trustees (to be appropriated to the Purposes of the said Act and this Act, as herein-after mentioned), such Sum of Money as shall be a full Satisfaction for the Damages so done, the same to be ascertained by any Justice of the Peace for the said Town, or any Justice of the Peace of the County of *Nottingham*, whose Determination in that Case shall be final; and in case any Person shall carelessly, negligently, or accidentally break, throw down, or otherwise spoil or damage any of the said Lamps, or the Irons, Posts, or Furniture thereof, and shall not, on Demand by the said Clerk or Treasurer, make Satisfaction for the Damage done thereto, which Damage shall from Time to Time be ascertained by any Justice of the Peace for the said Town, or any Justice of the Peace of the County of *Nottingham*, then it shall be lawful for any Justice of the Peace for the said Town, or any Justice of the Peace of the County of *Nottingham*, or for the County or Place within whose Jurisdiction such Person may then happen to be or reside, to cause the same to be levied, recovered, and appropriated in such Manner as is herein-after directed for Recovery of the Penalties and Forfeitures incurred for Offences committed against the said recited Act or this Act.

X. And whereas the Powers and Authorities given in and by the said recited Act, for enforcing and levying the Penalties thereby imposed for Offences committed against the said Act, have been found to be subject to Evasion, by reason of the same being inoperative, until a Demand of the Penalties incurred shall have been made by the Person authorized to receive the same, and until a Refusal or Neglect to pay the same, shall have existed for Ten Days after Demand; be it therefore further enacted, That so much of the said recited Act, as requires the Demand of any Penalty for any Offence committed against the said recited Act, and the subsequent Delays of Proceedings to enforce and levy the said Penalties, shall be and the same is hereby repealed and declared null and void to all Intents and Purposes whatsoever.

Repealing the Power in the said Act of levying Penalties and Forfeitures.

XI. And be it further enacted, That for the better enforcing and levying the Penalties and Forfeitures by the said recited Act and this Act, or either of them, imposed or incurred for Offences or Acts committed against the said Act and this Act, or either of them, it shall and may be lawful to and for any One Justice of the Peace for the said Town and County, or any Justice of the Peace of the County of *Nottingham*, or for the County or Place where the Offence shall be committed, and such Justice is hereby required, upon Complaint to him made upon Oath, or (if the Person complaining be of the People called *Quakers*) solemn Affirmation, of any Offence committed against the said recited Act, or against this Act, to issue his Warrant for apprehending and bringing before him, or any other of His Majesty's Justices of the Peace of the said Town, County or Place respectively, the Person or Persons charged with such

Substituting other Provisions instead thereof.

[*Local.*]

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Offence,

Offence, and the Justice before whom such Person or Persons shall be brought is hereby authorized and required forthwith to hear and determine the Matter of every such Complaint in a summary Way, and to proceed to Judgment and Conviction thereupon; and in case such Offender or Offenders shall refuse or neglect to pay the Penalty or Forfeiture in which he, she, or they shall have been so convicted as aforesaid, immediately, or within such Time as the said Justice shall appoint at the Time of Conviction, together with all Costs, Charges, and Expences attending the Conviction, and the Proceedings leading thereunto, or to give Security to the Satisfaction of such Justice for the Payment thereof, or shall not give Notice of Appeal, and enter into Recognizance as hereinafter mentioned, such Justice shall by Warrant under his Hand and Seal cause the Penalty or Forfeiture thereby incurred, with the said Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders, wheresoever the same Goods and Chattels may be, together with all Costs and Charges attending such Distress and Sale, (returning the Surplus, if any, on Demand to the Owner); and it shall and may be lawful for such Justice to order such Offender or Offenders to be detained in safe Custody until Return can be conveniently had and made to such Warrant of Distress, unless the Person or Persons so convicted shall give sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before the said Justice, or any other of His Majesty's Justices of the Peace for the said Town, County, or Place respectively, on such Day as shall be appointed by the said Justice for the Day of the Return of the said Warrant of Distress, such Day not exceeding Seven Days from the Time of such Conviction, which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon such Return no sufficient Distress can be had, the said Justice shall and may immediately afterwards, by Warrant or Warrants under his Hand and Seal, commit the Person or Persons so offending to the Gaol or House of Correction of the said Town, there, in each Case, to remain for any Time not exceeding Three Calendar Months, or until the said Penalty or Forfeiture, Costs and Expences, be sooner paid.

XII. And, for the more easy Conviction of Offenders against the said recited Act and this Act, be it further enacted, That every Justice of the Peace before whom any Person shall be convicted against the said recited Act and this Act, shall and may cause the Conviction to be drawn up according to the following Form, or any other Form to the same Effect, as the Case shall happen; (that is to say),

Form of
Conviction.

‘ } BE it remembered, That on the Day of
‘ to wit. } B in the Year of our Lord One thousand eight hundred and
‘ } *A. B.* is convicted before me One of His
‘ Majesty's Justices of the Peace for [specifying the Offence, and
‘ *the Time and Place when and where committed, as the Case may be*] con-
‘ trary to an Act passed in the Second Year, of the Reign of His late
‘ Majesty King George the Third, [or, to an Act passed in the Second
‘ Year of the Reign of His Majesty King George the Fourth], intituled
‘ [*here set forth the Title of this Act.*] Given under my Hand and Seal
‘ the Day and Year first above written.’

Inhabitants
not incompe-
tent Wit-
nesses.

XIII. And be it further enacted, That in all Actions, Prosecutions, Causes, and Proceedings whatsoever, relating to the Execution of the
said

said recited Act or of this Act, no Inhabitant of the said Town shall be deemed incompetent to give Evidence in any such Action, Prosecution, Cause or Proceeding, by reason of his or her being charged with or liable to pay any Rate or Rates under or by virtue of the said recited Act and this Act, or either of them.

XIV. And be it further enacted, That no Rate, Assessment, Warrant, Order, Judgment, or other Proceeding made concerning any of the Matters contained in the said recited Act or this Act, or concerning the Conviction of any Offender or Offenders against the said recited Act or this Act, shall be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

Proceedings not to be removed into superior Courts.

XV. Provided always, and be it further enacted, That any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whomsoever, thinking himself, herself, or themselves aggrieved by any Rate or Rates, Assessment or Assessments, to be made under or by virtue of the said recited Act or this Act, or by the Order or Determination of any Justice or Justices of the Peace, in pursuance of the said Act or this Act, may within Three Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the said Town and County, the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate appealing, having first given at least Fourteen clear Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, and forthwith after such Notice entering into a Recognizance, before some Justice of the Peace for the said Town and County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General Quarter Sessions of the Peace, or if they think proper may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for the said Town and County, and if they see Cause may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rate or Rates, Assessment or Assessments, or Judgment or Determination of the said Justice or Justices, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Appeal may be made to the Quarter Sessions.

XVI. Provided always, and be it further enacted, That in any Appeal from the said Rates or Assessments, or any of them, to be made by virtue of the said recited Act or this Act, the Justices at the General Quarter Sessions to be holden for the said Town and County, or at any Adjournment thereof, shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rates or Assessments with respect to other Persons mentioned therein; but if upon Appeal from the whole Rates or Assessments, it shall be found necessary to set aside the same, then and in every such Case it shall and may be lawful

Justices may relieve on Appeal from Rates, without quashing the whole.

lawful to and for such Justices to order a new Rate or Assessment to be made, in manner in this or the said recited Act directed.

For paying
the Expences
of this Act.

XVII. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, shall be paid by the said Directors and Trustees, or any Five or more of them, out of any Monies already raised by virtue of the said recited Act, or out of the first Monies which shall be raised, collected, or received by virtue of the said recited Act and this Act, in preference to all other Payments whatsoever.

Repealing so
much of the
said Act as
relates to
gaining of
Settlement.

XVIII. And be it further enacted, That so much of the said recited Act as enacts, that no Person or Persons who shall be charged with or pay any Rate or Assessment to be made, or who shall be employed by virtue of the said Act, shall thereby gain or be deemed or construed to gain any Settlement in any Parish or Place wherein such Assessment, Taxation, Payment or Employment shall be made, shall be and the same is hereby declared to be repealed; and null and void to all Intents and Purposes.

Said Act of
2 Geo. 3. ex-
tended to this
Act, except,
&c.

XIX. And be it further enacted, That the said recited Act of the Second Year of the Reign of His late Majesty King *George* the Third, and all the Powers, Provisions, Matters, and Things therein contained (except such as are varied, altered, or repealed), shall be and continue in full Force and Effect, and shall be executed as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act, but subject nevertheless to the Amendments and Additions herein contained.

Public Act.

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

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