



ANNO TERTIO.

# GEORGII IV. REGIS.

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## *Cap. xxv.*

An Act for lighting, paving, cleansing, watching, and improving the Town of *Barnsley* in the West Riding of the County of *York*.

[15th *May* 1822.]

**W**HEREAS the Town of *Barnsley* in the West Riding of the County of *York* is large and populous, and is a Place of extensive Trade and Manufacture, and also a great Thoroughfare for Travellers: And whereas the Streets, Lanes, Roads, Highways, Passages, and other public Places within the said Town, are not properly paved, amended, repaired, cleansed, and regulated, but are subject to various Nuisances, Annoyances, Encroachments, and Obstructions, nor are the same lighted or watched; and it would materially tend to the Safety, Comfort, Convenience, and Advantage, not only of the Inhabitants of the said Town, but also of all other Persons resorting to and travelling through the same, if the said Streets, Lanes, Roads, Highways, Passages, and other public Places were properly and effectually paved, repaired, widened, amended, cleansed, lighted, watched, regulated, and otherwise improved, and the Nuisances, Annoyances, Encroachments, and Obstructions removed, abated, and prevented in future: And whereas the above beneficial Purposes 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

[*Local.*]

8 R

Majesty,

Commis-  
sioners.

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 Honourable *Francis Godolphin Darcey Osborne* commonly called *The Marquis of Carmarthen*, the Honourable *Charles William Wentworth Fitzwilliam* commonly called *Lord Viscount Milton*, *Sir Francis Lindley Wood* Baronet, *Sir George Wombwell* Baronet, *Sir George Wood* Knight, *James Archibald Stuart Wortley*, *Godfrey Wentworth Wentworth*, *Francis Offley Edmunds*, *John Spencer Stanhope*, *Thomas Wentworth Beaumont*, *Frederick Thomas William Vernon Wentworth*, *Charles Wood*, *Joseph Beckett*, *Jonas Clarke*, *Henry Clarke*, *Robert Richardson*, *William Jackson*, *John Staniforth Beckett*, *Joseph Clarke*, *Richard Pickering* Doctor of Medicine, *James Dow* Doctor of Medicine, *Samuel Oxley* Doctor of Medicine, *John Breare*, *William Fenton*, *Robert Elmhirst*, *John Greenwood*, *Richard Crookes*, *Francis Kendray*, *Thomas Taylor*, *Joseph Hall*, *John Clarke*, *William Cooke's Mence*, *Samuel Cooper*, *John Taylor* Manufacturer, *George Keir*, *Edward Hall*, *William Shepherd*, *William Rich*, *John Hopwood*, *George Pitt*, *George Pitt junior*, *John Cordeux*, *John Haworth*, *Edward Jackson*, *Charles Tee*, *Richard Raywood junior*, *William Bayldon*, *William Lancaster*, *Joseph Fox*, *Richard Noble Starr*, *Thomas Yeardley*, *John Birks Pigott*, *William Harvey*, *Joseph Mawer*, *William Taylor*, *James Coe junior*, *Joseph Speight*, *James Lister*, *Charles Greaves*, *George Alletson*, *Francis Whitworth*, *Joseph Stocks*, *Thomas Liddall junior*, *Godfrey Mason*, *William Horsfall*, *Henry Rimington*, *Edward Ridsdale*, *Richard Taylor*, and *James Arthington Wilson*, shall be and they are hereby appointed Commissioners for carrying this Act into Execution; and that the Limits of this Act shall extend Twelve hundred Yards each and every Way from the Site of the late Moot-Hall in the Market Place in the said Town of *Barnsley*.

Qualification  
of Commis-  
sioners.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in any Case in the Execution of this Act, who shall sell Ale, Wine, Cyder, or any Spirituous Liquors by Retail, or who is or shall be a Victualler, or during the Time he shall hold or enjoy any Office or Place of Profit under this Act, or be concerned in any Contract made by virtue or in pursuance of this Act, or in any Case wherein he shall be in anywise personally or beneficially interested in the Matter in Question (except as a Creditor on the Rates or Assessments), nor unless he shall be in his own Right, or the Right of his late or present Wife, in the actual Enjoyment, Possession, and Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, of an Estate of Inheritance, or for a Life or Lives, or for any Term of Years exceeding Ninety-nine Years, either absolutely or determinable on any Life or Lives, of the yearly Value of One hundred Pounds, or possessed of such Estate or Estates as last mentioned and a Personal Estate jointly, or a Personal Estate alone, to the Amount or Value of One thousand Pounds, nor (except in administering the Oath or Affirmation to the Chairman of a Meeting as herein-after mentioned) until he shall have taken and subscribed an Oath, or being a Quaker, until he shall have made and subscribed an Affirmation in the Form or Words following, and an Entry or Minute shall be made in the Book of Proceedings of the Commissioners of the taking or making and subscribing of such Oath or Affirmation, and of the Date of administering the same:

‘ I A. B. do swear [*or, being one of the People called Quakers, do solemnly* Oath.  
 ‘ declare and affirm], That I am really and *bond fide* in my own  
 ‘ Right [*or, in the Right of my Wife, late or present, as the Case may*  
 ‘ *be,*] now in the actual Possession, Enjoyment, and Receipt of the  
 ‘ Rents and Profits of Messuages, Lands, Tenements, or Hereditaments,  
 ‘ of an Estate of Inheritance, or for a Life or Lives, or for a Term or  
 ‘ Terms exceeding Ninety-nine Years, either absolutely or determinable  
 ‘ on a Life or Lives, of the clear yearly Value of One hundred Pounds,  
 ‘ or possessed of such Estate or Estates as last mentioned, and a Per-  
 ‘ sonal Estate jointly, or a Personal Estate alone, to the Amount or  
 ‘ Value of One thousand Pounds; and that I will truly and impartially,  
 ‘ according to the best of my Skill and Judgment, execute and perform  
 ‘ all the Powers and Authorities reposed in me as a Commissioner, by  
 ‘ virtue of an Act passed in the Third Year of the Reign of His Majesty  
 ‘ King George the Fourth, intituled *An Act* [*here insert the Title of this*  
 ‘ *Act*]. So help me GOD.’

[*or, being a Quaker, omit the Words, ‘ So help me GOD.’*]

III. Provided always, and be it further enacted, That in case and when  
 and as often as any of the Commissioners hereby nominated and appointed,  
 or hereafter to be nominated or appointed by virtue of this Act, shall  
 resign, die, refuse to act, or become bankrupt, or become incapable of  
 acting, or disqualified, and it shall be judged necessary or expedient that  
 the then remaining Number of Commissioners should be increased, then  
 and in every such Case it shall be lawful for the Justices of the Peace  
 assembled at any General Quarter Sessions of the Peace, or any Adjourn-  
 ment thereof, to be holden in and for the said West Riding, and they are  
 hereby required from Time to Time, upon Application being made to  
 them in Writing, under the Hands of Three or more of the Commis-  
 sioners for executing this Act, who shall be assembled at any Special  
 Meeting to be held for that Purpose, of which due Notice shall be given,  
 to appoint such Persons, being Inhabitants of or Proprietors of Estates  
 within the said Township of *Barnsley*, as they the said Justices in their  
 Discretion shall think fit and proper, to be Commissioners in the Room  
 or Stead of the Commissioners so resigning, dying, refusing to act, or  
 becoming Bankrupt, or incapacitated, or disqualified; and the Commis-  
 sioners so to be nominated or appointed by the said Justices shall be and  
 are hereby vested with the same Powers and Authorities as if they had been  
 respectively named Commissioners in or by this Act; but no Commis-  
 sioner shall be considered as resigning or refusing to act, until he shall  
 have given Notice thereof in Writing to the Clerk or Clerks to the said  
 Commissioners for the Time being.

For supply-  
 ing Decrease  
 in Number  
 of Commis-  
 sioners.

IV. Provided always, and be it further enacted, That if any Person,  
 not being qualified as aforesaid, or not having taken and subscribed an  
 Oath as aforesaid, or being a Quaker not having made and subscribed an  
 Affirmation as aforesaid, or being disqualified by any of the Causes afore-  
 said, shall act as a Commissioner in the Execution of this Act, every  
 Person shall for every such Offence forfeit and pay the Sum of Fifty  
 Pounds to any Person or Persons who shall sue for the same, to be reco-  
 vered with full Costs of Suit in any of His Majesty's Courts of Record at  
*Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit,  
 or

Penalty on  
 disqualified  
 Persons  
 acting.

or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparance shall be allowed; and every Person so sued or prosecuted shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty and Costs, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person or Persons acting as a Commissioner or Commissioners in the Execution of this Act, though not duly qualified, done previous to his or their being so convicted, shall be as valid and effectual as if such Person or Persons had been duly qualified as aforesaid: Provided nevertheless, that such Disqualification shall not extend to prevent any Person from acting by reason of his having any Share or Interest in the Gas Light Company already established in the said Town of *Barnsley* by Act of Parliament, save only so far as relates to the making, enforcing, compounding, or annulling of any Bargain or Contract between the said Commissioners and such Gas Light Company.

Proceedings at the Meetings of the Commissioners may be done by Five or more of them, and shall be as valid as if all Commissioners had acted.

V. And be it further enacted, That all the Powers and Authorities by this Act given to, and all the Provisions, Matters, and Things by this Act directed or authorized to be done by the Commissioners for executing the same, shall and may be executed and done by or before any Five or more of the said Commissioners assembled at any Meeting to be held in pursuance of this Act, and shall be of as full Force and Effect as if executed or done by or before all the Commissioners (except in such Cases where any such Power, Authority, Provision, Matter, or Thing is by this Act particularly directed or authorized to be executed or done by any other Number of Commissioners, or in any other Manner); and all Acts, Orders, Proceedings, and Determinations of the Commissioners acting in the Execution of this Act, made at any such Meeting, consisting of Five or more Commissioners, wherein the major Part of the Commissioners present at such Meeting shall concur, shall be as valid and effectual as if all the Commissioners present at such Meeting had concurred therein; and at all such Meetings a Chairman shall be appointed, and in all Cases where there shall be an Equality of Votes upon any Question (including the Vote of the Chairman) such Chairman shall have the decisive or casting Vote; and at all such Meetings the Commissioners present shall pay and defray their own Expences.

No Order to be revoked or altered, except after Special Notice, and a greater Number of Commissioners present.

VI. And be it further enacted, That no Order, Appointment, or Proceeding whatsoever, made at any Meeting of the Commissioners holden in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be holden for that express Purpose, nor unless Notice, specifying the Revocation or Alteration intended to be made, signed by One or more of the said Commissioners, or by the Clerk or Clerks to the said Commissioners, shall be given in manner aforesaid, at least Twenty-one Days before such subsequent Meeting, nor unless a Majority of the Commissioners present at such subsequent Meeting shall decide in favour of such Revocation or Alteration, and a greater Number of Commissioners shall be present at such subsequent Meeting than were present at the Meeting when such Order, Appointment, or Proceeding was had or made.

VII. And

VII. And be it further enacted, That the said Commissioners shall hold their First Meeting for the Execution of this Act at the Public Office in the said Town, within Twenty-one Days next after the passing of this Act, between the Hours of Eleven in the Forenoon and Four in the Afternoon, or at such other convenient Place in the said Town, and on such other Day and Time as the said Commissioners, or any Three or more of them, although not assembled at a Meeting, shall think fit to appoint, by Notice in Writing, to be affixed on the outer Door of the said Public Office, or of the several Churches within the said Town, at least Seven Days before the Day of Meeting; and it shall be lawful for the Commissioners present at such First Meeting, or at any subsequent Meeting for the Execution of this Act, from Time to Time to adjourn, and from Time to Time appoint their next Meeting to be holden at any future Day and Time, not exceeding Fourteen Days from the last Day of Meeting, and at the same or any other convenient Place within the said Town; and if at the Time and Place appointed for any Meeting there shall not be a sufficient Number of Commissioners to act, or in case the Commissioners at any Meeting assembled shall omit to adjourn, then and in every such Case any Commissioner present, or the Clerk or Clerks of the said Commissioners, shall adjourn the Meeting to some future Day, not exceeding Fourteen Days then next ensuing, of which Adjournment such Clerk or Clerks shall give at least Seven Days previous Notice in Writing, to be affixed on the outer Door of the said Public Office, or of such other convenient Place, or of the several Churches aforesaid; and in case no Adjournment or Notice shall be made or given as aforesaid, then it shall and may be lawful for any Three or more of the said Commissioners, although not assembled at a Meeting, or their Clerk or Clerks, to call a Meeting of the Commissioners by Notice in Writing, to be affixed on the Places aforesaid, or some or one of them, appointing a Meeting to be held on some future Day, not sooner than Seven Days, nor exceeding Fourteen Days from the Day of affixing such Notice.

First and other Meetings.

VIII. Provided always, and be it further enacted, That if it shall at any Time be thought necessary to hold a Meeting before the Time at which a Meeting is herein-before directed or required to be held or shall be appointed to be held as aforesaid, then and in such Case it shall be lawful for the said Commissioners, or any Three or more of them, or their Clerk or Clerks, by the Direction in Writing of any Three or more of the said Commissioners, and such Clerk or Clerks is and are hereby required to call an earlier Meeting, of which at least Seven Days previous Notice shall be given in the same Manner as last herein-before mentioned.

Meetings on Emergencies.

IX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, from Time to Time to nominate and appoint a Clerk or Clerks, a Treasurer or Treasurers, a Collector or Collectors of the Rates herein-after mentioned, and such other Officers as the said Commissioners shall think necessary and proper for the due Execution of this Act; and the said Commissioners are hereby required to take Security from their Treasurer or Treasurers, or such of the said Officers as shall be entrusted with the Receipt and Disbursement of Money, for the due Execution of his or their respective Offices; and it shall be lawful for the said Commis-

Appointment of Clerks, Treasurers, and other Officers.

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sioners from Time to Time to remove and displace any of such Officers, and to nominate and appoint another or others in the Room or Place of any of them who shall be so removed or displaced, or who shall die or resign such Offices, or become incapable of acting therein, and out of the Monies to be raised as herein-after mentioned to make and pay such Salaries or other Allowances to such Officers respectively, and also to such other Person or Persons as shall be aiding and assisting to the said Commissioners in the Execution of this Act, as to the said Commissioners shall from Time to Time seem reasonable,

Penalty on  
Officers tak-  
ing any Fee  
or Reward.

X. Provided always, and be it further enacted, That if any Clerk or Clerks, Treasurer or Treasurers, or other Officer or Officers employed by the said Commissioners for the Purposes of this Act, shall exact, demand, take, or accept any Fee, Emolument, or Reward whatsoever (other than such Salary or Allowance as shall be appointed and allowed by the said Commissioners, or as is specified and allowed in and by this Act), for or on account of any thing done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Commissioners, or on any other Account whatsoever, relative to his or their Employment or Duty, or shall be concerned or interested in any Bargain or Contract made by the said Commissioners for the Purposes of this Act, every such Person so offending shall be incapable afterwards of serving or being employed under the said Commissioners, and shall forfeit and pay the Sum of Five Pounds for every such Offence.

Clerk and  
Treasurer  
not to be the  
same Person.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person or Persons who may be appointed to act as Clerk or Clerks, or the Partner or Partners of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to appoint the Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks of the said Commissioners; and if any Person or Persons shall act in both the Capacities of Clerk and Treasurer, Clerks and Treasurers, for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks shall act as Treasurer or Treasurers, or being the Partner or Partners of any such Treasurer or Treasurers shall act as Clerk or Clerks in the Execution of this Act, 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, nor more than One Imparlance, shall be allowed.

Officers to  
account.

XII. And be it further enacted, That all such Officers as shall be so appointed to any of the Offices aforesaid shall, 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, and of all Monies which shall have been received by such Officers and Persons respectively by virtue or for the Purposes of this Act, and how much thereof hath been paid and disbursed, and to whom  
and

and for what Purposes, together with Vouchers and Receipts for such Payments, and shall pay all such Money as shall remain due from them respectively, to the said Commissioners, or such Person or Persons as they shall appoint; and if any such Officer or Person shall refuse or neglect to make and render any such Accounts, or to produce and deliver up such Vouchers and Receipts relating to the same, or to make Payment as aforesaid, or shall refuse or neglect to deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Twenty-one Days after being thereunto required by the said Commissioners by Notice in Writing, to be given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give Information and Satisfaction to the said Commissioners respecting the same, then and in every such Case, upon Complaint made by the said Commissioners, or any one or more of them, or by any Person or Persons whom they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace for the County, Riding, City, Town Corporate, or Place wherein such Officer or Person so neglecting or refusing shall reside or be, such Justice may, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Officer or Person so refusing or neglecting to be brought before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby authorized to administer), it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such last-mentioned Officer or Person, such Justice may, and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods and Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the Charges for distraining and selling the same; or if it shall appear to such Justice that such Officer or Person has refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer or Person, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit such Offender to the House of Correction for the County, Riding, or Place where such Offender shall be and reside, there to remain without Bail or Mainprize, until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the Commissioners are hereby empowered to make and receive), and until he shall have given up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners or to such Justice: Provided always, that no Person who shall be committed by virtue of this Act, on account of not having sufficient Goods and Chattels, shall be detained in Prison for any longer Term than Three Calendar Months: Provided also, that if any  
Money

Money shall remain due from such Officer or Person, Officers or Persons, the Commitment of him or them to Prison shall not be deemed a Discharge for the same, nor exonerate his or their Surety or Sureties, but such Officer or Officers, Person or Persons, and his and their Surety or Sureties, shall remain liable to the Payment thereof, in the same Manner as if such Officer or Officers, or Person or Persons, had not been committed to Prison.

In case an  
Officer die,  
Executor to  
account.

XIII. And be it further enacted, That in case of the Death of any Officer, before he shall have paid and fully satisfied all the Monies which he shall have received by virtue of this Act, or made such Composition for the same as aforesaid, then and in every such Case the Executors or Administrators of such Officer so dying shall pay and satisfy the same, out of the Estate and Effects of such Officer, unto the said Commissioners, or any Person appointed by them in that Behalf; and also shall deliver up all Books, Papers, Writings, and other Things concerning his Office, or relating to the Execution of this Act, which shall have come to the Hands of such Executors or Administrators, who shall and may plead such Payment in any Action or Suit which may be brought against them on account of the said Estate and Effects, and give the same in Evidence; and in case of the Nonpayment of such Monies, or the Nondelivery of such Books, Papers, Writings, and Things, for the Space of Twenty-one Days after Demand made thereof in Writing, by or on the Behalf of the said Commissioners, it shall be lawful for the said Commissioners to commence and prosecute an Action or Actions in any of His Majesty's Courts of Record at *Westminster*, against such Executors or Administrators, for the Recovery of the said Monies, or for the Recovery of Damages for the Detention of such Books, Papers, Writings, and Things, in which Action or Actions full Costs of Suit shall be recoverable by the said Commissioners.

Proceedings,  
&c. to be  
entered in a  
Book.

XIV. And be it further enacted, That the said Commissioners shall cause proper Books to be provided and kept, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Commissioners as shall be present at their several Meetings; and all Entries in such Books shall be signed by the Commissioners at each Meeting concurring in the Act, Order, or Proceeding so made and entered; and all Entries so signed shall be deemed Originals, and the said Books shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and such Books shall be kept by the Clerk or Clerks to the said Commissioners, and shall at all seasonable Times be open to the Inspection of the Commissioners, and of any other Person or Persons charged to the Rates herein-after granted and made payable, and of the Creditors on the said Rates, without Fee or Reward.

Books of  
Account to  
be kept by  
Clerks.

XV. And be it further enacted, That the said Commissioners shall and they are hereby required, from Time to Time, and at all Times hereafter, to order and direct a Book or Books to be provided and kept by their Clerk or Clerks for the Time being, in which Book or Books such Clerk or Clerks shall enter or cause to be entered true and regular Accounts of all Sums of Money which shall be received, paid, laid out, and expended in pursuance of the Powers and Provisions of this Act, by



by or for or on account of the said Commissioners, and of the several Articles, Matters, and Things for which such Sums of Money shall have been paid, laid out, and expended; which Books shall at all seasonable Times be open to the Inspection of the Commissioners, and any Creditor or Creditors on the Rates hereby granted, and any Person or Persons who shall be rated to the same, without Fee or Reward; and the said Commissioners and Creditors, and such Persons rated as aforesaid, or any of them, shall and may take Copies of or Extracts from the said last-mentioned Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk or Clerks shall refuse to permit, or shall not permit the said Commissioners or such Creditors, or such Persons so rated as aforesaid, or any of them, to inspect the same Book or Books, or to take such Copies or Extracts as aforesaid, he and they shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds.

XVI. And be it further enacted, That an annual Meeting of the said Commissioners shall be held on the First *Monday* in the Month of *January* in the Year of our Lord One thousand eight hundred and twenty-three, and on the First *Monday* in the Month of *January* in each and every succeeding Year, which shall be called *The Annual General Meeting of the Commissioners*; and at such Annual General Meetings, or some Adjournment thereof, the Accounts of all Monies received and paid in pursuance of the Provisions and Powers of this Act, by or for or on the Account of the said Commissioners, shall be produced, stated, examined, audited, and settled.

Accounts to be audited at an annual Meeting.

XVII. And be it further enacted, That the said Commissioners may sue and be sued for or concerning any thing which shall be done by virtue or in pursuance of this Act, in the Name or Names of their Clerk or Clerks for the Time being, or in the Name or Names of any One or more of the said Commissioners; and no Action or Suit so to be brought or commenced by or against the said Commissioners shall abate or be discontinued by the Death, Removal, or Default of any such Clerk or Clerks, or Commissioner or Commissioners, but shall be continued and carried on in the Name or Names of the Clerk or Clerks for the Time being, or of the Commissioner or Commissioners in whose Name or Names the same shall have been brought; and the Clerk or Clerks for the Time being, or such Commissioner or Commissioners shall always be Plaintiff or Plaintiffs, or Defendant or Defendants, in such Action or Suit, as the Case may be: Provided always, that all Costs and Expences to be incurred by the said Commissioners, or their Clerk or Clerks for the Time being, in prosecuting or defending any Action or Suit touching the Execution of this Act, shall be defrayed out of the Money to be collected and raised under the Provisions of this Act: Provided always, that such Commissioner or Commissioners, or Clerk or Clerks, shall not on that Account be deemed an inadmissible Witness or Witnesses in any such Action or Suit, except only in such Action or Suit as shall be on his or their own personal Account.

Commissioners may sue and be sued in the Name of the Clerk or Clerks or one or more of the said Commissioners.

XVIII. Provided always, and be it further enacted, That all and every the Commissioners herein-before named and hereafter to be appointed shall from Time to Time, and at all Times hereafter, be fully indemnified

Indemnity to Commissioners when acting legally.

[Local.]

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from

from and out of the Monies to be raised under and by virtue of this Act of and from all Costs, Charges, Damages, and Expences, which they or any of them, or their Treasurer or Clerk or Clerks as aforesaid, shall or may pay, sustain, or be put unto, for or by reason of any Action, Suit, or Proceedings which may be had, sued, commenced, or prosecuted against them, or any or either of them, for any Matter or Thing which may be by them respectively legally done in and about the Execution of this Act, and the Trusts reposed in them under the same.

Commissioners may make Bye Laws.

XIX. And be it further enacted, That it shall be lawful for any Ten or more of the said Commissioners from Time to Time, at any of their Meetings, to make such Rules, Orders, Regulations, and Bye Laws (not inconsistent with or repugnant to any of the Directions or Provisions contained in this Act, or to any Law or Statute of that Part of the United Kingdom of *Great Britain and Ireland* called *England*), for the good Government and Conduct of the said Commissioners, and of the Officers, Servants, and other Persons employed in the Execution of this Act, and from Time to Time to alter, vary, revoke, or make void any of such Rules, Orders, Regulations, and Bye Laws at their Discretion, and to fix and appoint such reasonable Fines and Penalties for the Breach or Non-performance of any such Rules, Orders, Regulations, and Bye Laws, or any Part thereof, as to them shall seem expedient, so that no such Fine or Penalty shall exceed the Sum of Five Pounds for any One Offence; all which Rules, Orders, Regulations, and Bye Laws so as aforesaid from Time to Time made, shall be valid and effectual to all Intents and Purposes whatsoever, and shall be observed and obeyed in all Things by the said Commissioners, and all Persons acting under their Orders and Authority; provided, that Copies of the several Rules, Orders, Regulations, and Bye Laws by this Act authorized to be made, shall be fairly written out or printed, and signed by the Clerk or Clerks to the said Commissioners, and shall be placed or affixed in such conspicuous Place within the said Town, as the said Commissioners shall direct: Provided also, that all such Rules, Orders, Regulations, and Bye Laws shall be subject to appeal in manner herein-after mentioned.

Pavement vested in Commissioners.

XX. And be it further enacted, That all the present and future Pavements, Flag Stones, Curb Stones, Stone, Gravel, and all the other Materials of the several present and future Streets, Lanes, Roads, Highways, Passages, and other public Places in the said Town; and also all Lamps, Lamp Irons, Lamp Posts, Pipes, and other Articles, Matters, and Things, to be erected, set up, and fixed by the said Commissioners by virtue of this Act, and all Materials and other Articles, Matters, and Things purchased or provided for the Purposes of this Act, shall belong to and be the Property of, and the same are hereby vested in the said Commissioners; and the said Commissioners shall and may cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment (as the Case may require), against any Person or Persons who may steal, take, or carry away, or detain, spoil, injure, damage, or destroy the several Articles, Matters, and Things hereby vested in them the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively, it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action

or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of "The Commissioners for the Improvement of the Town of *Barnsley*," without particularly mentioning or specifying the Name or Names of all or any of such Commissioners; and the said Commissioners shall have full Power and Authority, from Time to Time, to sell and dispose of all or any of the said Articles, Matters, and Things, or any Part or Parts of the same respectively, for the Purposes of this Act, to such Person or Persons, at such Time or Times, and in such Manner, as they the said Commissioners shall think proper; and if any Person or Persons shall wilfully or maliciously break, injure, damage, or destroy any of the Articles, Matters, or Things hereby vested in the said Commissioners, or any of them, or any Part or Parts thereof, or any of the Works done or to be done in pursuance of this Act, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, when and so often and in such Manner as they shall think proper and necessary, to cause the present and the future Streets, Lanes, Roads, Highways, Passages, and other public Places, as well Carriage as Footways, within the said Town of *Barnsley*, and each and every of them, and each and every or any Part or Parts thereof respectively, to be paved, flagged, or otherwise repaired and amended, and widened and improved, and the same, and the Pavements, Flagging, and other Materials thereof, to be taken up and relaid, and the Ground or Soil thereof to be raised, lowered, or altered, from Time to Time, and in such Manner and with such Materials, as they the said Commissioners shall think fit; and to erect or set up, or cause to be erected or set up, any Posts, Rails, Pales, or Fences in or near any Place or Places which they the said Commissioners shall think proper, for the better Security of Passengers, Cattle, or Carriages, or of the said Pavements or Curb Stones, from damage by Waggons, Carts, or other Carriages: Provided always, that nothing in this Act contained shall extend or be construed to extend to any of the Carriage Roads or Carriage Ways, which have been usually or are now paved, amended, and repaired by Trustees acting in the Execution of any Act or Acts of Parliament for making, repairing, or amending any such last-mentioned Carriage Roads or Carriage Ways.

Power for Commissioners to pave the Streets.

XXII. Provided always, and be it further enacted, That in all Cases where the Footway of any of the Streets, Lanes, Roads, Passages, or other public Places shall be paved or flagged by virtue of this Act, the Owner or Owners of the Houses, Tenements, or Ground adjoining the same, shall, at their own Expence, pave or flag, and keep in good Repair and Condition, to the Satisfaction of the said Commissioners or their Surveyor, the Part of the Footway lying between such adjoining Houses, Tenements, or Ground, and that Part of the Foot Pavement or Flagging which shall be paved or flagged by virtue of this Act; and if such Owner or Owners shall not pave or flag the same, and put the same in repair within Ten Days after Service of Notice for the Purpose, signed by any Three of the said Commissioners, then it shall be lawful for the said Commissioners or their Surveyor, to pave, flag, or repair the same at the

The Pavement or Flagging, between the Fronts and that Part which is flagged by the Commissioners, to be done at the Expence of the Owners.

the Expence of such Owner or Owners; and in case any such Owner or Owners shall refuse or neglect to pay such Expences on Demand to the said Commissioners or their Surveyor, the same shall and may be levied and recovered by the said Commissioners by the same Ways and Means as are herein-after provided for levying and recovering the Rates and Assessments hereby granted.

Surveyors to be appointed by the Commissioners, and to apply the Composition Monies under their Direction.

XXIII. Provided always, and be it further enacted, That at all Times from and after the passing of this Act it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by Warrant under the Hands and Seals of any Three or more of them, yearly and every Year to appoint One or more substantial Inhabitant or Inhabitants of the said Town of *Barnsley* to be Surveyor or Surveyors of the Streets, Lanes, Roads, Highways, Passages, and public Places within the Limits of this Act, and from Time to Time to remove any such Surveyor or Surveyors, and to appoint any other such Person or Persons in his or their Place or Stead, and to allow to any Surveyor or Surveyors so to be appointed by them as aforesaid, such Salary or other Recompence for executing the said Office as the said Commissioners shall think proper; and all and every Person and Persons, who shall be so appointed Surveyor or Surveyors by the said Commissioners as aforesaid, shall be subject to such Orders and Directions as shall from Time to Time be made and given for the Execution of his or their Office or Offices of Surveyor or Surveyors by the said Commissioners, for the Amendment and Preservation of the Streets, Lanes, Roads, Highways, Passages, and other public Places within the said Town; and if any Person so to be appointed a Surveyor in pursuance of this Act shall not, within Ten Days next after being served with the Warrant of his Appointment, or a Copy thereof, signify his Acceptance of the Office of Surveyor, either in Person or by Writing, to the Clerk or Clerks to the said Commissioners, or after having accepted such Office shall neglect or refuse to perform and execute every Order or Direction which shall be given to him by virtue of this Act, relating to the Execution of his Office, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Ten Pounds: Provided nevertheless, that no Person shall be obliged to serve the said Office of Surveyor for a longer Period than Two Years together, nor be liable to be again appointed to the said Office without his own Consent, during the Space of Five Years next after having served the same, or paid the said Penalty for not having accepted the same as aforesaid; nor shall any Person above the Age of Sixty Years be compelled to serve the said Office of Surveyor.

Commissioners may make public Drains.

XXIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered from Time to Time, to cause to be cut or made, in, through, over, under, or adjoining any of the said Streets, Lanes, Roads, Highways, Passages, and public Places, any new Tunnels, Gutters, Sinks, Drains, Ditches, Sewers, or Watercourses; and also from Time to Time to cause any of the present or any future Tunnels, Gutters, Sinks, Drains, Ditches, Sewers, or Watercourses, or any Part or Parts thereof respectively, to be stopp'd up, opened, scoured, cleansed, widened, straightened, or deepened, or the Form or Line thereof to be turned, altered, varied, or changed, in such Manner as they the said Commissioners shall think fit.

XXV. And

XXV. And be it further enacted, That all private Drains, which now are or by Permission of the said Commissioners shall hereafter be made within any of the said Streets, Lanes, Roads, Highways, Passages, and other public Places within the said Town, and which do or shall issue into or communicate with any of the public Sewers, Drains, or Vaults, shall be repaired and cleansed under the Inspection and Direction of the Surveyor or other proper Officer of the said Commissioners, at the Costs and Charges of the Owner or Owners, Occupier or Occupiers of the Houses, Lands, or Tenements, to which the said private Drains do or shall respectively belong.

Private Drains to be repaired and cleansed at the Expence of the Owners.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or their Surveyor or Surveyors for the Time being, and the Person or Persons appointed by them, and they are hereby respectively authorized and empowered, from Time to Time to open, scour, cleanse, widen, straighten, make deeper, turn, alter, vary, or stop any of the present or future private Tunnels, Gutters, Sinks, Drains, Ditches, Sewers, or Watercourses running into, over, under, through, adjoining, or upon any of the Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Town; or to make or cause to be made any new private Tunnels, Gutters, Sinks, Drains, Ditches, Sewers, or Watercourses, in, through, under, over, or adjoining to any such Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Town, for the Purpose of conveying, draining, and taking away any Sink, Float, or other refuse Water, and preventing the same from running over the Surface of the Streets, Lanes, Roads, Highways, Passages, and other public Places, in case the Owner or Owners, or Occupier or Occupiers of the Messuages, Buildings, Lands, or Tenements adjoining the same, shall neglect or refuse so to do for Ten Days next after Notice in Writing, signed by the said Commissioners, or any Three or more of them, and delivered to or left at the last or usual Place or Places of Abode of such Owners or Occupiers requiring them so to do.

After Notice Surveyors to cleanse and make private Drains, &c.

XXVII. And be it further enacted, That the Costs, Charges, and Expences of the Works so to be done or made, by or by Order of such Surveyor or Surveyors (such Costs, Charges, and Expences being first settled and ascertained by Three or more of the said Commissioners), shall be reimbursed to such Surveyor or Surveyors by such Owner or Owners, or Occupier or Occupiers, on Demand, or within Seven Days next afterwards; and in case of Nonpayment of such Costs, Charges, and Expences, the same shall be levied by Distress and Sale of the Goods and Chattels of such Owner or Owners, or Occupier or Occupiers, by Warrant under the Hands and Seals of any Three or more of the said Commissioners, or of any Justice or Justices of the Peace acting in and for the said West Riding, together with the Expences of such Distress and Sale, returning the Overplus (if any) to such Owner or Owners, or Occupier or Occupiers.

The Costs and Charges thereof to be paid by the Owners.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or their Surveyors or other Agents, or any other Person or Persons employed or appointed by them, having an Order in Writing under the Hands of any Three of the said Commissioners for the Purpose, to search for, dig, gather, get, take, and carry away,

Power to get Materials.

[Local.]

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away,

away, any Stone, Gravel, Sand, Earth, or other Materials fit or proper for paving, repairing, amending, raising, or improving the said Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Town, out of or from any Common or Waste Ground, or common River or Brook, in the said Township of *Barnsley*, the Person or Persons acting by the Appointment of the said Commissioners, or their Agent or Agents, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks wherefrom such Materials shall be taken, or causing such Pits or Quarries to be fenced off, so that the same may not be dangerous to Passengers or Cattle; and in case a sufficient Quantity of Materials cannot be had in or upon any such Waste Grounds or Commons, or in any such common River or Brook as aforesaid, then and in such Case it shall be lawful for the said Commissioners, or their Surveyors or other Officers, or the Person or Persons so employed or appointed by them as aforesaid, by Order of any Justice or Justices of the Peace for the said West Riding, to search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, out of, or from any of the private Lands, Fields, or Grounds of any Person or Persons within the Township of *Barnsley*, where the same may be had or found (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Plantation, or Avenue to a House, or any Piece of Ground planted or set apart as a Nursery for Trees), making or tendering such Satisfaction for the Value of such Materials, and also for the Damages done thereby to the Owners and Occupiers of the Lands, Fields, or Grounds where and from whence the same shall be cut, dug, got, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Streets, Lanes, Roads, Highways, Passages, or other public Places shall be carried, as shall be agreed upon between the said Commissioners and such Owners or Occupiers; and in case of any Difference between the said Commissioners, or other Person or Persons employed as aforesaid, and such Owners or Occupiers, or any of them, concerning such Damages, it shall be lawful for any Justice or Justices of the Peace in and for the said West Riding, on Seven Days Notice thereof given by either Party to the other, or left at his, her, or their respective Place or Places of Abode, to hear, settle, and finally determine the Matters of such Damages and Payment: Provided also, that no such Materials as aforesaid shall be dug for, gotten, or taken away from any Place within the Distance of One hundred Yards from any Bridge, Mill, Mill Wear, or Dam, nor so as to injure any Building or Highway, on any Account or Pretence whatsoever.

Notice to be given to Occupiers of inclosed Lands.

XXIX. Provided nevertheless, and be it further enacted, That it shall not be lawful to or for any Person or Persons, acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing such Streets, Lanes, Roads, or other public Passages or Places, out of or from any inclosed Lands or Grounds, until Fourteen Days Notice in Writing, signed by the Surveyor or Surveyors, or other Officer to the said Commissioners, shall have been given to the Owner and Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner and Occupier at his or her usual Place of Residence, to appear before any Justice or Justices of the Peace, acting in and for the said West Riding, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such

Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case such Justice or Justices shall and may authorize such Commissioners or their Agent, or such Person or Persons, to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, pursuant to such Notice, the said Justice or Justices shall and may make such Order therein as he or they respectively shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agent, had attended.

XXX. And be it further enacted, That if any Person or Persons shall remove or take away any Stones, Gravel, or other Materials laid upon or near such Streets, Lanes, Roads, Highways, Paths, or other public Passages or Places, or any Part thereof, without the Order of the said Commissioners for that Purpose; or if any Person or Persons shall take away any Stones, Gravel, or other Materials which have been dug, got, or gathered by or by Order of the said Justice or Justices, or Commissioners, in any Land, Field, or Waste Ground, River or Brook, for the Purpose of amending or repairing such Streets, Lanes, Roads, Highways, Paths, or other public Passages or Places, or any Part or Parts thereof; or shall get or take away any Stones, Gravel, or other Materials, out of any Pit or Quarry, which shall have been made for the Purpose of getting such Materials, before the said Commissioners, or their Surveyor or Surveyors, or Workmen, shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any private Ground wherein such Pit or Quarry shall have been made, and Persons authorized by such Owner or Occupier to get Materials therein for his or her own private Use only, and not for Sale), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on taking away Materials.

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to appoint such and so many Paviours, Artificers, Workmen, Labourers, Carters, and others, and also to purchase or hire such and so many Horses, Carts, or other Carriages and Implements, as they the said Commissioners shall judge proper and necessary for the Purpose of carrying this Act into Execution.

Paviours to be appointed.

XXXII. And be it further enacted, That if any Person or Persons shall at any Time hereafter take up, remove, or alter, or cause to be taken up, removed, or altered, any Part of the Pavements, Flags, or other Materials of the Carriage Ways or Footways in the said Streets, Lanes, Highways, Passages, or other public Places, or any of them, or shall make or cause to be made any Alteration in any of the Tunnels, Gutters, Soughs, Drains, or Watercourses therein, without the previous Consent or Authority of the said Commissioners, in Writing, signed by the Clerk or Clerks to the said Commissioners, and made or given at some Meeting held in pursuance of and according to the Directions of this Act, every Person so offending shall forfeit and pay for every such Offence the Sum of Five Pounds: Provided nevertheless, that nothing in this Act contained shall be construed or extend to abridge or annul the Powers, Privileges, and

Not to take up Pavement without Consent of Commissioners.

Authorities

2G. 4. c. lxxv.

Authorities given to and vested in "The *Barnsley Gas Light Company*," in and by an Act passed in the Second Year of the Reign of His present Majesty King *George the Fourth*, intituled *An Act for lighting the Town of Barnsley in the West Riding of the County of York with Gas*.

New Streets when paved to be public Streets.

XXXIII. And be it further enacted, That it shall be lawful for any Two or more Justices of the Peace acting for the said West Riding, when and so often as any new Street, Road, or Passage, which has heretofore been or shall be hereafter laid out and made in the said Town of *Barnsley*, shall be well and effectually paved, stoned, or otherwise be put into good Order and Repair to the Satisfaction of such Justices, and they are hereby empowered, on Application of the Occupiers of the Messuages or Buildings therein, or a Majority of them in Value according to the Pours Rate for the said Township of *Barnsley*, from Time to Time, by any Writing under their Hands, to declare the same to be public Streets, Roads, Highways, Passages, and Places; and from and after such Declaration made, such new Streets, Roads, Lanes, Passages, or Places as aforesaid, and every of them, shall be deemed and taken to be public Streets, Roads, Highways, Passages, and Places, to all Intents and Purposes, and shall be repaired and kept in repair by the said Commissioners under the Powers and Provisions of this Act.

New Streets to be Ten Yards in Width.

XXXIV. And be it further enacted, That no new Street or Road which shall hereafter be set out or made within the said Town shall be less than Ten Yards in Width.

Provisions for lighting the Streets.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required from Time to Time, and at all Times after the passing of this Act, to cause the Streets, Lanes, Roads, Highways, Passages, and other public Places within the said Town, to be well and sufficiently lighted either with Gas, Oil, or otherwise, at such Seasons and Times as the said Commissioners shall judge necessary and proper; and for that Purpose the said Commissioners are hereby empowered, if they shall think it necessary, to cause Mains or Pipes for the Conveyance of Gas to be laid and carried along, through, and under the Streets, Lanes, Roads, Highways, Passages, and other public Places within the said Town, or any of them, and to cause such and so many Lamp Irons, Lamp Posts, Pillars, Pilasters, and Pipes, as they shall judge necessary, to be affixed or set up, into, upon, or against the Walls or Palisades of all or any of the present or any future Houses or Buildings, or any Walls or Fences within the said Town, or in or upon any of the Carriage Ways or Foot Ways within the said Town, in such Situations and at such Distances, and in such Manner as the said Commissioners shall think proper, and to cause so many Glass or other Lamps, with such Sorts of Burners, and of such Dimensions, Constructions, and Qualities, as the said Commissioners shall judge proper, to be provided and affixed upon or to such Lamp Irons, Lamp Posts, Pillars or Pilasters, or any of them, and to cause the same Lamp Irons, Lamp Posts, Pillars and Pilasters, and Lamps, or any of them, to be from Time to Time taken down, removed, altered, repaired, renewed, or replaced, when and as often as they shall think proper, and to cause such Lamps, or any of them, to be lighted at such Seasons of the Year, on such Evenings, and at such Hours of the Evening, and to be kept burning



burning for so many Hours, as shall be thought necessary by the said Commissioners; Provided nevertheless, that nothing herein contained shall extend to authorize the said Commissioners to cause any Pipe or Pipes for the Conveyance of Gas to be affixed upon or against the Wall of any such House or Building, or continue the same, without the Consent of the Occupier and Proprietor of such House or Building:

XXXVI. And be it further enacted, That it shall be lawful to and for the said Commissioners from Time to Time to enter into any Contract or Contracts with "The *Barnsley Gas Light Company*," for lighting the said Streets, Lanes, Roads, Highways, Passages, and other public Places, or any of them, with Gas, or with any other Person or Persons, Body or Bodies Politic or Corporate, for lighting such Streets, Lanes, Roads, Highways, Passages, and other public Places, or any of them, with Gas, Oil, or otherwise, as to the said Commissioners shall from Time to Time seem proper and expedient, subject nevertheless to the Stipulations hereinafter contained in regard to the making of such Contracts.

Power to contract for Lighting.

XXXVII. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, who shall light or contract for lighting with Gas the Streets, Lanes, Roads, Highways, Passages, and other public Places in the said Town, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other Waste Liquids, or any noisome or offensive Liquids, Substances, or Things whatsoever, which may arise or be produced in the Prosecution of the Works of the Person or Persons, Body or Bodies Politic or Corporate, who shall light or contract for lighting with Gas the said Streets, Lanes, Roads, Highways, Passages, and other public Places, or any of them, into any Well, Spring, River, or into any running Stream or Brook, or into any Sewer, Drain, Passage, or Channel, by means whereof any such Washings or other Waste Liquids, or noisome or offensive Liquids, Substances, or Things as aforesaid, shall be drained, conducted, or conveyed into any River, Stream, or Brook, or into any Well, Spring, or Reservoir, Aqueduct, Waterway, Feeder, or Pond, or shall do or cause to be done any other Annoyance, Act, or Thing to the Water contained in any such River, Stream, Brook, Well, Spring, Reservoir, Aqueduct, Waterway, Feeder, or Pond, whereby the said Water, or any Part thereof, shall or may be soiled, fouled, or corrupted, then and in each and every such Case the Person or Persons, Body or Bodies Politic or Corporate, who shall light or contract for lighting with Gas the said Streets, Lanes, Roads, Highways, Passages, and other public Places, or any of them, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Forfeiture or Penalty shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance, shall be allowed; and one Moiety of such Penalty or Forfeiture shall be paid to the Person or Persons who shall sue for the same, and the other Moiety to the Body Politic or Corporate, or other the Person or Persons against whom any such Annoyance, Nuisance, Damage, Act, or Thing shall have been done or committed, or who shall have been injured thereby: Provided always, that no such Forfeiture, Penalty, or Costs shall be recoverable, unless the

Refuse, on making the Gas, not to drain into Rivers, Wells, &c.

[*Local.*]

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Suit

Suit or Action be commenced within Twelve Calendar Months from the Time of such Forfeiture or Penalty being incurred, and the Nuisance, Annoyance, Injury or Damage, Act or Thing, shall have ceased or been discontinued: Provided also, that in case any of the said Washings or other Waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, into any River, Stream, or Brook, or into any Well, Spring, Reservoir, Aqueduct, Waterway, Feeder, or Pond; or in case any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever to the Person or Persons, Body or Bodies Politic or Corporate, who shall light or contract for lighting with Gas the said Streets, Lanes, Roads, Highways, Passages, and other public Places, or any of them, and the Person or Persons, Body or Bodies Politic or Corporate as aforesaid, shall not, within Twenty-four Hours next after such Notice shall have been given, proceed to stop, hinder, or prevent, and shall not, within Two Days next after such Notice shall have been given, effectually stop, hinder, or prevent all and every such Washings, Waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the Person or Persons, Body or Bodies Politic or Corporate, who shall light or contract for lighting with Gas the said Streets, Lanes, Roads, Highways, Passages, and other public Places, or any of them, shall (over and above and in addition to the aforesaid Penalty of Two hundred Pounds) forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, Waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done, or caused to be done as aforesaid, one Moiety whereof shall be paid to the Informer, and the other Moiety whereof shall be paid to the Overseers of the Poor of the Parish or Township in which the Penalty shall be incurred.

Penalty on  
Gas escaping.

XXXVIII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by virtue of this Act, the Person or Persons, Body or Bodies Politic or Corporate, who shall light or contract for lighting the Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Town, or any of them, with Gas, shall, at their own Expence, immediately after Notice thereof, by Parole or in Writing, from any Inhabitant of the said Town, given to any such Person or Persons, or to the Clerk or other Officer of any such Body or Bodies Politic or Corporate, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case such Person or Persons, Body or Bodies Politic or Corporate, shall not, within Twenty-four Hours next after such Notice, by Parole or in Writing, being given of any such Escape of Gas, proceed to discover and prevent the Gas from escaping, and to remove the Cause of Complaint, that then and in every such Case such respective Person or Persons, Body or Bodies Politic or Corporate, shall for every such Offence forfeit and pay the Penalty or Sum of Five Pounds for each and

and every Day after the Expiration of Twenty-four Hours from the Time of giving or serving such Notice, during which Time such Person or Persons, Body or Bodies Politic or Corporate, shall neglect to take the necessary Steps for preventing the Escape of such Gas as aforesaid, one Moiety of which Penalty shall be paid to the Informer, and the other Moiety shall be paid to the Overseers of the Poor of the Parish or Township in which the Penalty shall be incurred.

XXXIX. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend or be construed to extend to protect any Person or Persons, or any of the Servants or Officers or Workmen of any Body or Bodies Politic or Corporate, who shall light or contract for lighting the said Streets, Lanés, Roads, Highways, Passages, or other public Places, or any of them, with Gas, from any Indictment or Prosecution for a public or private Nuisance in respect of any Works, or the Means which shall be employed by them in making the said Gas, and using the same, or furnishing any such Gas Light, nor from any Action or Actions for any Injury or Damage sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of the same Gas, or the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Act not to protect Persons, &c. lighting with Gas from being indicted for a Nuisance.

XI. And be it further enacted, That all the Posts, Pillars, Pilasters, Lamp Irons, Pipes, and Lamps, which from Time to Time shall be erected, set up, or furnished for the public Lighting of the said Town, or any Part thereof, either by or by the Order of the Commissioners, or by any such Gas Light Company as aforesaid, in pursuance of any Contract or Contracts between the said Commissioners and such Gas Light Company, shall (subject only to such Power as in or by any such Contract or Contracts may be reserved to such Gas Light Company to remove, take, and carry away to their own Use any of the said Posts, Pillars, Pilasters, Lamp Irons, Pipes, and Lamps which may have been previously erected or furnished at their Expence, in the Event of there being a Discontinuance of such Contracts between the said Commissioners and such Gas Light Company) be held and deemed to belong to and be the Property of, and the same are hereby vested in the said Commissioners for the Time being; and the said Commissioners shall and may cause any Action or Actions to be brought, or direct any Bill or Bills of Indictment to be preferred, as the Case may require, against any Person or Persons who shall steal, take, or carry away, detain, deface, damage, injure, or destroy the several Articles and Things so hereby vested in the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively, it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment shall be preferred, is or are the Property of "The Commissioners for the Improvement of the Town of *Barnsley*," without stating or specifying the Names of all or any of the said Commissioners.

Lamps, &c. vested in Commissioners.

XLI. And

Penalty for  
wilfully  
breaking  
Lamps, &c.

XLI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously take away, break, throw down, or otherwise deface, injure, damage, or destroy any Lamp or Lamps, which shall have been set up by or by the Order of the said Commissioners, or by the said Gas Light Company, for the public Lighting of any Part of the said Town, or any Post, Pillar, Pilaster, Lamp Iron, Pipe, Cover, or other Furniture thereof, or shall wilfully extinguish the Light or Lights of any such Lamp or Lamps, it shall be lawful for any Justice or Justices of the Peace in and for the said West Riding of the County of *York*, and he and they is and are hereby required, upon Oath made of the Commission of any such Offence, to issue a Warrant or Warrants for apprehending the Party or Parties accused; or it shall be lawful for any Person or Persons who shall see any such Offence committed to apprehend, and for any other Person or Persons to assist in apprehending the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice or Justices of the Peace for the said West Riding; and upon the Party or Parties accused being brought before such Justice or Justices, such Justice or Justices shall proceed to Examination upon Oath of any Witness or Witnesses who shall appear to give Evidence touching such Offence or Offences; and if the Party or Parties so accused shall be convicted of such Offence or Offences, either upon Confession or upon such Evidence as aforesaid, then and in every such Case every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Five Pounds; and the Offender or Offenders shall also make full Satisfaction to the said Commissioners for the Damage so done; and such Damages having been ascertained by such Justice or Justices shall and may be levied and recovered from such Offender or Offenders in manner herein-after directed for the Recovery of Penalties incurred by virtue of this Act, and when received the same shall be paid to the Treasurer or Treasurers to the said Commissioners, to be applied for the Purposes of this Act.

Damages to  
be paid for  
Lamps ac-  
cidentally  
broken.

XLII. And be it further enacted, That if any Person or Persons shall carelessly or accidentally break, throw down, or otherwise destroy, deface, or damage any Lamp or Lamps which shall have been set up by or by Order of the said Commissioners, or by the said Gas Light Company, for the Purpose of lighting any Part of the said Town, or any Post, Pillar, Pilaster, Lamp Iron, Pipe, Cover, or other Furniture thereof, and shall not immediately upon Demand made by any Officer of the said Commissioners make Satisfaction for the Damage done, then and in every such Case it shall be lawful for any Justice of the Peace in and for the said West Riding, upon Complaint to him thereof made, to summon before him the Party or Parties who shall be complained of doing such Damage as aforesaid, and upon hearing the Allegations and Proofs on both Sides, or upon the Contempt in not appearing of the Party or Parties so complained of, to award such Sum or Sums of Money as the Damage proved on Oath before such Justice shall amount to; and in case of Refusal or Neglect to pay the Money so awarded within Five Days after Demand, then the same shall and may be levied and recovered from the Party or Parties so complained of, in manner herein-after directed for the Recovery of Penalties incurred by virtue of this Act, and when

received the same shall be paid to the Treasurer or Treasurers of the said Commissioners, to be applied for the Purposes of this Act.

XLIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause all or any of the Streets, Lanes, Roads, Ways, and public Passages and Places within the said Town, to be watered at such Seasons and Times as the said Commissioners shall direct.

Streets may be watered.

XLIV. And be it further enacted, That the several and respective Occupiers of Houses and Buildings in the several Streets, Lanes, Roads, Highways, Passages, and other public Places within the said Town, shall and they are hereby required to cause the several Foot Pavements along the whole Length of their respective Houses and Buildings to be well and sufficiently swept and cleansed every *Tuesday, Thursday, and Saturday* in each and every Week in the Year, before Nine of the Clock in the Morning of each of the aforesaid Days; and in case of any Default in the Premises, every such Occupier so making default shall forfeit and pay the Sum of Ten Shillings for each Default.

Occupiers of Houses to cleanse Foot-paths.

XLV. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, and as they shall think proper, to compound by the Year or otherwise, at their Discretion, with all or any of the Occupiers of Houses or Buildings within the said Town, for relieving the Persons so compounding from the Burthen of sweeping and cleansing of any of the said Foot Pavements to which the said Occupiers would have been liable under the Provisions of this Act, at or for such Sum or Sums of Money as the said Commissioners shall think reasonable in that Behalf, upon Condition, nevertheless, that such Composition Monies shall always be paid in advance; and such Compositions when so made shall, during the Existence thereof, protect the Occupiers so compounding from incurring any Penalties for neglecting to sweep or clean any of the said Foot Pavements.

Commissioners may cleanse Foot-paths, and compound with Occupiers, &c.

XLVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required, from Time to Time to appoint and employ any proper Person or Persons to be and act as a Scavenger or Scavengers for cleansing the Streets, Lanes, Roads, Passages, and other public Places within the said Town, and for carrying all Dirt, Dust, Dung, Filth, and Soil away from the same, and from Time to Time to order and direct on what Days in every Week, and at what Times, the particular Streets, Lanes, Roads, Passages, and other public Places within the said Town shall be cleansed, and the Dirt, Dust, Dung, Filth, and Soil carried away therefrom, and how and in what Manner the same shall be carried away, and where the same shall be deposited, and to give such Orders and Directions to any such Scavenger or Scavengers as shall appear necessary to such Commissioners; or otherwise it shall be lawful for the said Commissioners from Time to Time to contract with any Person or Persons willing to act as such Scavenger or Scavengers for cleansing the said Streets, Lanes, Roads, Highways, Passages, and other public Places within the said Town, and for carrying all Dirt, Dust, Dung, Filth, and Soil away from the same, at such Times and in such Manner as shall appear expedient to the said Commissioners.

Scavengers may be appointed to cleanse Streets, &c.

[Local.]

8 F

XLVII. And

Scavengers  
not perform-  
ing Con-  
tracts.

XLVII. And be it further enacted, That if any Person or Persons, who shall have entered into any Contract or Contracts with the said Commissioners for cleansing the Streets, Lanes, Roads, Highways, Passages, and other public Places within the said Town, or any of them, shall omit or neglect to perform, execute, and fulfil the Conditions of such Contract in every respect, according to the true Intent and Meaning thereof, every Person shall for every such Omission or Neglect forfeit and pay the Sum of Ten Pounds, to be recovered by Information before a Justice of the Peace for the said West Riding in manner herein-after directed; or it shall and may be lawful for the said Commissioners, instead of proceeding by Information for the Recovery of the Penalty aforesaid, to commence and prosecute any Action or Actions against any such Person or Persons so contracting for any Breach of any such Contract.

Penalty not  
to extend to  
Rubbish oc-  
casioned by  
Buildings.

XLVIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to subject any Person or Persons to any such Penalty or Penalties, for or on account of any Building Materials, Dirt, or Rubbish being laid or placed in any such Street, Lane, Road, Passage, or other public Place as aforesaid, in the Course of erecting, pulling down, altering, or repairing any Building or Buildings, so as there be full and sufficient Space, in the Opinion of the Commissioners, left in or at the Side of the Street, Lane, Road, Passage, or public Place where such Materials, Dirt, or Rubbish shall be or be placed, for Carriages to pass and repass, and a sufficient Way be kept clean for Foot Passengers, by the Person or Persons laying or causing to be laid or placed such Materials, Dirt, or Rubbish as aforesaid, and so as a sufficient Light be, at his, her, or their own Expence, set and maintained at the Place where such Materials, Dirt, or Rubbish shall be so laid or placed, from Sunset to Sunrise, to prevent any Accident to Passengers or Cattle, and so as such Materials, Dirt, or Rubbish be inclosed or fenced off, in such Manner and within such Time as the said Commissioners shall, by any Notice signed by their Clerk or Clerks, to be given to such Person or Persons, direct or appoint, and so as such Materials, Dirt, or Rubbish be removed at the Expence of the Person or Persons so laying or causing the same to be laid, within such Time as shall be expressed in any Notice in like Manner given by the said Commissioners.

No Ashes,  
&c. to be  
taken from  
Streets,  
except by  
Scavengers.

XLIX. And be it further enacted, That no Person or Persons shall take or carry away, or cause to be taken or carried away, any Dust, Dirt, Dung, Drift, Offal, Rubbish, Ashes, Filth, or Soil, (other than Rubbish or Dirt occasioned by building as aforesaid) out of or from any of the said Streets, Lanes, Roads, Passages, or other public Places (except the Person or Persons so to be by the said Commissioners appointed or contracted with as Scavenger or Scavengers), for the Purpose of cleansing the same, upon Pain of forfeiting and paying the Sum of Five Pounds for every such Offence.

Inhabitants  
suffering their  
Ashes, &c.  
to become a  
Nuisance.

L. Provided always, and be it further enacted, That if any Person or Persons keeping any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth, which shall have arisen or been made within his, her, or their respective Houses, Buildings, Yards, or Premises, shall suffer the same to remain there so as to become a Nuisance or Annoyance to any of the Inhabitants  
of

of the said Town, and shall not remove the same within Twenty-four Hours after Notice in Writing shall have been given to him, her, or them, signed by the Clerk or Clerks of the said Commissioners, to remove the same; which Notice shall be signed by such Clerk or Clerks after the Commissioners shall have made an Order for the Purpose, and which they are hereby authorized to do on Complaint being made to them of such Nuisance or Annoyance; or if any such Person or Persons, in removing any such Nuisance or Annoyance, shall put or place the same in any Street, Lane, Road, Highway, public Passage or Place, and shall permit or suffer the same to remain in any such Street, Lane, Road, Highway, Passage, or other public Place, for any longer Time than Twelve Hours, then and in either of the said Cases every Person so offending shall for every such Offence forfeit and pay the Sum of Ten Shillings for every Day that such Nuisance or Annoyance shall remain after the respective Times so limited as aforesaid.

LI. And be it further enacted, That the said Commissioners shall or may cause to be painted, engraved, or otherwise described, and placed on a conspicuous Part or Parts of any One or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance of every Street, Lane, Road, Passage, or other public Place within the said Town, the Name by which such Street, Lane, Road, Passage, or other public Place now is or shall be called or known; and shall and may also cause every House and Building in the several Streets, Lanes, Roads, Passages, and other public Places in the said Town, to be marked and numbered with Figures, either on the Door thereof, or otherwise, and in such Manner as they shall think most proper for distinguishing the same; and if any Person shall wilfully destroy, obliterate, deface, remove, or, without the Consent of the Commissioners first obtained, alter any such Name, Number, or Figures, or any Part thereof, or cause or procure the same to be so done, every Person so offending shall for every such Offence forfeit and pay the Sum of Ten Shillings.

Names of Streets and Numbers of Houses to be put up.

LII. And be it further enacted, That when any such Numbers or Figures painted or placed on any House or other Building within the said Town, or on the Door thereof, shall by Accident, Decay, or otherwise be defaced or rubbed out, the Occupier or Occupiers of such House or Building shall, upon Notice in Writing being given in that Behalf, signed by the Clerk or Clerks to the said Commissioners, cause the same Numbers or Figures to be painted or placed on such House or other Building, or on the Door thereof, within Ten Days after such Notice; and in case of Neglect or Refusal to comply with such Order, every such Occupier shall forfeit and pay for every such Offence the Sum of Ten Shillings.

Numbers to be renewed.

LIII. And be it further enacted, That all Houses and Buildings in any of the present or future Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Town, which hereafter shall be erected or built, or new fronted or rebuilt, shall be made to rise perpendicularly from the Foundation thereof; and no Part of the Front of any ancient House or Building within any of the said Streets, Lanes, Roads, Highways, Passages, or other public Places, which shall hereafter be new fronted, nor any Part of the Front of any new House or Building which shall hereafter be rebuilt upon the Site of any ancient House or Building

Regulation as to Fronts of Houses.

in

in any of the said present or future Streets, Lanes, Roads, Highways, Passages, and public Places, shall, on any Pretence whatsoever, be brought forwards beyond the old Foundation without the Consent of the said Commissioners; and if any Person or Persons shall at any Time hereafter erect or build, or new front or rebuild, or cause to be erected or built, or new fronted or rebuilt, any House or other Building in the said present or future Streets, Lanes, Roads, Highways, Passages, or public Places; or any of them, in any other Manner than so as to rise perpendicularly from the Foundation thereof, or so that any Part of the Front thereof shall be brought forward beyond the old Foundation of any such ancient House or Building as aforesaid, or nearer than Five Yards from the Centre of any new Street or Road which shall hereafter be laid out or made in the said Town, then and in every such Case such House or Building shall be deemed an Encroachment, Nuisance, and Annoyance, within the Intent and Meaning of this Act; and it shall be lawful for the said Commissioners to cause the same House or Building so erected, new fronted or rebuilt, or so much of the Front thereof as shall have been so erected, new fronted or rebuilt, contrary to the Directions of this Act, to be pulled down and removed by any Person or Persons who shall be directed so to do by an Order in Writing, signed by Three or more of the said Commissioners, and the Costs and Charges of pulling down and removing the same shall be paid and reimbursed to the said Commissioners by the Owner or Owners of such House or Building; and in default of Payment thereof within Fourteen Days next after Demand in Writing made in that Behalf by the Clerk or Clerks to the said Commissioners, the same having been ascertained by some Justice or Justices of the Peace for the said West Riding, shall and may be recovered in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered, and when received the same shall be paid to the Treasurer or Treasurers to the said Commissioners, to be applied to the general Purposes of this Act.

Compensation may be made to the Owners of Buildings agreeing to erect them in such Manner as shall be an Improvement to the Town.

LIV. Provided also, and be it further enacted, That for the Purpose of improving the said Town, and widening the said Streets, Lanes, Roads, Passages, and public Places, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, and they are hereby authorized and empowered, to enter into any Agreement relative to the Mode of erecting, altering, or building any Houses, Edifices, or Buildings fronting or adjoining any of the said Streets, Lanes, Roads, Highways, Passages, and public Places in the said Town, or relative to the Line or Direction or Mode of building any new Houses, Edifices, or Buildings within the Limits of this Act, or to any Alterations or Change of the Line or Direction in which any old Houses or Buildings now stand, or relative to any Projections or other Changes thereof, with the Owners or Proprietors thereof, and to make or give such Compensation or Satisfaction for any Injury, Loss, or Damage which any such Owners or Proprietors may sustain, by acceding to any such Plan of Improvement, or for Goodwill for the same, as any Three or more of the said Commissioners shall think reasonable, for the Object or Purposes of Improvement to be thereby obtained, and to pay such Compensation or Satisfaction out of any Monies to be raised by virtue of this Act, so as that in any one Instance the Compensation or Satisfaction shall not exceed the Sum of One hundred Pounds.

LV. And



LV. And be it further enacted, That the several and respective Occupiers of Houses and other Buildings, situate in the several Streets, Lanes, Roads, Highways, Passages, and other public Places within the said Town, and every of them, are hereby authorized and required, at their own respective Costs and Charges, within Seven Days next after their respectively receiving Notice in Writing from the said Commissioners, signed by any Three or more of the said Commissioners, to cause all Signs, Sign Irons, Sign Posts, Barbers Poles, Stalls, Blocks, Bulks, Show Boards, Butchers Hooks, Spouts, and Water Pipes, which now are or hereafter shall be anywise affixed or set up, and which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances, by reason of their projecting into or encroaching upon, or otherwise annoying or endangering the public Passage along any of the Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Town, to be taken down, removed, and carried away, or otherwise altered or reformed; and to cause the Water from the Roofs, Cornices, and Penthouses of their respective Houses or other Buildings, to be carried down by proper and sufficient Pipes, to be fixed to and down the Sides of the same Houses or Buildings, in such Manner as shall be directed by the said Commissioners; and in case the Occupier of any such House or other Building as aforesaid shall neglect or refuse to cause any such Sign, Sign Iron, Sign Post, Barber's Pole, Stall, Block, Bulk, Show Board, Butcher's Hook, Spout, or Water Pipe, which shall be so considered an Annoyance or Nuisance as aforesaid, to be taken down, removed, and carried away, or otherwise altered or reformed, and to cause the Water to be carried down from the Roof, Cornice, or Penthouse of any such House or other Building as aforesaid, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done by some Person or Persons acting under their Authority, and the Costs and Charges attending the same, having been ascertained by some Justice or Justices of the Peace for the said West Riding, shall and may be recovered from the Occupier of such House or Building, in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered, and when received the same shall be paid to the Treasurer or Treasurers of the said Commissioners, to be applied to the general Purposes of this Act; and it shall be lawful for the Occupier of any such House or other Building, being a Tenant at Rack Rent, and having either paid such Costs and Charges in the first Instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his or her Rent; and the Proprietor or Landlord of such House or other Building so held at Rack Rent is hereby required to allow the same accordingly, except only in Cases where the Encroachment, Obstruction, Annoyance, or Nuisance so removed or altered, shall have been originally occasioned by such Occupier, in which Case he or she shall bear the Costs and Expences of altering or removing the same.

Directions  
for the Re-  
moval of  
Signs, &c.

LVI. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to pull down and remove, or cause to be pulled down and removed, all or any Posts, Rails, Pales, Trees, or Fences in or near the Streets, Lanes, Roads, Highways, Passages, or public Places, or any of them, within the Limits of this Act, as they the said Commissioners shall judge useless, or to be a Nuisance or Obstruction to

For remov-  
ing existing  
Nuisances  
and Projec-  
tions.

[Local.]

8 Z

Passengers,

Passengers, Horses, or Carriages; and also from Time to Time to cause all and every or any of the Penthouses, Porches, Sheds, Projecting Windows, Palisades, Rails, Posts, Fences, Steps, Cellar Windows, Cellar Doors, Hatchways, Frontsteads, Court Yards, and other Obstructions and Projections whatsoever, and of what Nature or Kind soever, which are already erected, affixed, set up, laid down, or being against or in front of or belonging to any Houses or other Buildings whatsoever, in any of the Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Town, and which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances, by reason of their projecting into or encroaching upon, or otherwise obstructing, annoying, or endangering the public Passage along any of the aforesaid Streets, Lanes, Roads, Highways, Passages, or other public Places, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed by the said Commissioners, or any other Person or Persons acting under their Authority, in such Manner as shall be thought most proper and expedient by the said Commissioners, they the said Commissioners, nevertheless, first causing Fourteen Days Notice in Writing, under the Hands of Three or more of the said Commissioners, to be given to the respective Owners or Occupiers of such Houses or other Buildings of their Intention to take down, fill up, remove, alter, or reform such Obstructions or Projections respectively, and causing as little Damage to be done in effecting of every such Removal or Alteration as the Nature of the Case will allow, and also defraying the whole Costs and Charges of executing the same.

For removing future Projections.

LVII. And be it further enacted, That the several Occupiers of Houses and other Buildings situate in the several Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Town, and every of them, are hereby authorized and required, at their own respective Costs and Charges, within Fourteen Days next after their respectively receiving Notice in Writing from the said Commissioners in that Behalf signed by any Three or more of the said Commissioners, to cause all and every the Penthouses, Porches, Sheds, Projecting Windows, Palisades, Rails, Posts, Fences, Steps, Cellar Windows, Cellar Doors, Hatchways, Frontsteads, Court Yards, and other Obstructions and Projections not herein-before particularly specified, which shall in future be erected, set up, affixed, laid down, or be against or in front of or belonging to their respective Houses or other Buildings, and which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances, by reason of their projecting into or encroaching upon, or otherwise annoying or endangering the public Passage along any of the Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Town, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed, in such Manner as shall be directed by the said Commissioners; and in case the Occupier of any such House or other Building as aforesaid shall neglect or refuse to cause any such Penthouse, Porch, Shed, Projecting Window, Palisade, Rail, Post, Fence, Step, Cellar Window, Hatchway, Frontstead, Court Yard, or other Projection or Obstruction whatsoever, not herein-before particularly specified, which shall in future be so erected, set up, affixed, laid down, or be against or in front of or belonging to his or her House or other Building, and which shall be considered an Annoyance or Nuisance as aforesaid, to be

taken down, filled up, removed, and carried away, or otherwise altered or reformed, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done by some Person or Persons acting under their Authority, and the Costs and Charges attending the same, having been ascertained by some Justice or Justices of the Peace for the said West Riding, shall and may be recovered from the Occupier of such House or Building, in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered, and when received the same shall be paid to the Treasurer or Treasurers of the said Commissioners, to be applied to the general Purposes of this Act; and it shall be lawful for the Occupier of any such House or other Building, being a Tenant at Rack Rent, and having either paid such Costs and Charges in the first Instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his or her Rent; and the Proprietor or Landlord of every such House or other Building so held at Rack Rent is hereby required to allow the same accordingly, except only in Cases where the Encroachment, Obstruction, Annoyance, or Nuisance so removed or altered, shall have been originally occasioned by such Occupier, in which Case he or she shall bear the Expence of altering or removing the same.

LVIII. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, Gardens, and Lands within the said Town, and every of them, are hereby respectively authorized and required, at their own Costs and Charges from Time to Time, within Seven Days next after their respectively receiving Notice in Writing from the said Commissioners in that Behalf signed by any Three or more of the said Commissioners, to cause all the Doors and Gates leading into the several Houses, Buildings, Yards, Gardens, and Lands in their respective Occupations (and not being Cellar Doors or Trap Doors), which now do or shall hereafter open outwards and into any of the Streets, Lanes, Roads, Highways, Passages, and other public Places within the said Town, to be altered so as that the same Doors or Gates shall thenceforward open inwards and into their respective Premises; and if any such Occupier of any of the aforesaid Premises shall neglect or refuse to make the Alteration required by the said Commissioners in any such Door or Gate within the Period specified in such Notice, such Occupier making Default therein shall forfeit and pay the Sum of Ten Shillings a Day for every Day during which any such Gate or Door shall be suffered to remain opening outwards after the Expiration of the Time specified in such Notice: Provided nevertheless, that when the Occupier of any such House, Building, Yard, Garden, or Land, being a Tenant at Rack Rent, shall cause any such Door or Gate to be duly altered in pursuance of such Notice as aforesaid, it shall be lawful for him or her to deduct and retain out of his or her Rent the reasonable Charges of altering the same, and the Proprietor or Landlord of every such House, Building, Yard, Garden, or Land so held at Rack Rent is hereby required to allow the same accordingly, except only in Cases where such Door or Gate opening outwards and so altered shall have been originally put up by or under the Authority of such Occupier, in which Case such Occupier shall bear the Expence of altering the same; and provided also, that it shall be lawful for the said Commissioners to allow to such Occupier or such Proprietor all or any Part of

Doors and  
Gates to open  
inwards.

the

the Expence of making any such Alteration, if the said Commissioners shall think it reasonable so to do.

Regulation  
as to Privies.

LIX. And be it further enacted, That if any Person or Persons shall hereafter empty or cause to be emptied any Privy or Necessary House within the said Town, or carry or cause to be carried any of the Soil thereof through any of the Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Town, at any Time of the Year between *Lady Day* and *Michaelmas*, except between the Hours of Eleven of the Clock in the Evening and Five of the Clock in the Morning, or at any Time of the Year between *Michaelmas* and *Lady Day*, except between the Hours of Eleven of the Clock in the Evening and Seven of the Clock in the Morning; or shall at any Time lay or cast, or cause to be laid or cast, any of the Soil from any Privy or Necessary House, or any Night Soil, in or near any of the said Streets, Lanes, Roads, Highways, Passages, or other public Places, or shall erect or continue any Privy or Necessary House so as to annoy the Passengers passing along the same, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Slaughter  
Houses,  
Hogsties,  
and other  
Erections to  
be removed  
if deemed a  
Nuisance.

LX. And be it further enacted, That in case any Slaughter House, Hogstye, Necessary House, or other noisy, noisome, or offensive Building or Place whatsoever, or any Stone Yard in or near any of the said Streets, Lanes, Roads, Highways, Passages, or other public Places, shall (upon Complaint made to the said Commissioners by any of the Inhabitants or Persons residing therein) be by such Commissioners deemed a Nuisance to any such Inhabitant or Person, it shall and may be lawful to and for the said Commissioners, by Notice in Writing under the Hands of any Three or more of the said Commissioners, or under the Hand of their Clerk or Clerks for the Time being, to order any such Nuisance or Offence to be removed; and in case the same shall not be removed within Fourteen Days after such Notice given to the Person or Persons who ought to remove the same, or for or on whose Behalf the same is carried on, or left at his, her, or their last usual Place of Abode, such Person or Persons shall forfeit and pay any Sum not exceeding Twenty Shillings for every Day the same shall continue unremoved after the Expiration of the Time mentioned in such Notice.

Water from  
Roofs of  
Houses to be  
carried off  
by Spouts  
and Pipes.

LXI. And be it further enacted, That the Owner or Owners, or Proprietor or Proprietors, or Occupier or Occupiers for the Time being, of each House or Building fronting any Street, Lane, Road, Highway, Passage, or other public Place in the said Town, and the Footpath of the Front whereof is or shall be flagged by virtue of the Directions of this Act, shall, within Twenty Days next after Service of any Order or Direction for the Purpose, signed by Three or more of the said Commissioners, on him, her, or them personally, or left at his, her, or their last or usual Place of Abode, put up and place, and for ever afterwards keep in Repair and Condition, a Spout of the whole Length of such Front, with a Pipe or Trunk to be fixed to the Front or Side of such House or Building, from the Roof down to the Ground, to carry off or conduct the Water from the Roof of such House or Building in such a Manner that such Water shall pass underneath the Flagging or Foot-  
Pavement

Pavement into the Common Channel, and so as not to fall upon or incommode the Persons passing over or along the flagged Footpath; and every Tenant or Occupier of any such House or other Building (except Houses or Buildings held on Lease granted for any Term of Twenty-one Years or upwards), who shall put up or place any such Spout, Pipe, or Trunk, or keep the same in repair, shall be entitled to deduct and retain out of the Rent payable to the Owner or Proprietor, or Owners or Proprietors of such House or Building, so much Money as such Tenant or Occupier shall have expended in putting up or placing, or in keeping in repair, any such Spout, Pipe, or Trunk; and the Payment of such Expences by any such Tenant or Occupier shall be a sufficient Discharge for him, her, or them, for so much of his, her, or their Rent as the Amount of such Expences shall be equal to, and shall be abated and allowed to him, her, or them by the Owner or Owners, or Proprietor or Proprietors of such House or Building, out of such Rent; and if any such Owner or Owners, Proprietor or Proprietors, or Occupier or Occupiers, shall, for the Space of Twenty Days after Service as aforesaid of any such Order or Direction, neglect to put up or place, or neglect to repair any Spout, Pipe, or Trunk as aforesaid, then and in any and in every such Case it shall be lawful for the Commissioners acting in Execution of this Act, to cause any such Spout, Pipe, and Trunk to be put up or placed against any such House or Building, at the Expence of the Owner or Proprietor thereof; and in case any such Owner or Proprietor shall refuse to pay such Expences, the same shall and may be levied and recovered by the said Commissioners by the same Ways and Means as the Rates or Assessments by this Act granted may be levied and recovered.

LXII. And be it further enacted, That if any Person or Persons shall in any of the present or future Streets, Lanes, Roads, Highways, Passages, or other public Places in the said Town, expose for Sale or sell any Horse, Ass, Pig, Sheep, Bull, Cow, or other Beast or Cattle (except in any public Market or Fair), or expose or shew any Stallion (except in such Place or Places as shall be appointed for that Purpose by the Constable or Constables of the said Town for the Time being), or shoe, bleed, or farry any Horse or Beast (except in Cases of Accident), or clean or dress any Horse or other Beast, or exercise any Horse or Beast; or turn loose or suffer to be at large any Horse, Ass, Sheep, Bull, Cow, Swine, Goat, or other Beast, or any Bull Dog, Mastiff, or other ferocious Dog of any other Species, not being muzzled, or permit or suffer any Dog whatsoever to go at large, after any public Notice given by the Town Crier or Bellman by Order of the Constable or Constables of the said Town, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of the Existence of Canine Madness; or ride on the Shafts of any Waggon, Dray, Cart, Sledge, or other Carriage, or on any other Part of such Waggon, Dray, Cart, Sledge, or other Carriage, or Part of a Carriage, or on any of the Horses, Asses, Mules, or Cattle drawing the same, without holding the Reins, or drive the same faster than a Walk, or be at such a Distance from the same as not to possess the complete Direction over the Horses, Asses, Mules, or Cattle drawing the same; or when driving any empty or unloaded Waggon, Cart, or other such like Carriage, shall refuse or neglect to turn the same aside and make way for any Coach, Chaise, or loaded Carriage of any Description; or when driving any Waggon, Cart, Sledge, or

For preventing Annoyances and Nuisances.

[Local.]

9 A

other

other Carriage or Wheels, shall not readily and promptly turn the same out of the Road, on meeting Horses and Carriages, so as to leave proper and sufficient Quarter for such Horses and Carriages; or when riding any Horse or Beast, or driving any Carriage of any Sort or Kind, shall ride or drive the same furiously, or so as to endanger the Life or Limb of any Person, or drive the same against and injure or damage any Curbstone or Foot Pavement or Causeway; or suffer any Waggon, Cart, Dray, or other Carriage to stand or remain, with or without Horses, longer than may be necessary for loading or unloading thereof, or suffer the same during such Time of loading or unloading to be placed or remain so as to interrupt the public Passage more than necessary; or suffer any Stage Coach, Diligence, Post Chaise, or other Carriage let to Hire, to remain longer than may be necessary for the taking up or setting down of any Passenger or Passengers, or for loading or unloading their Baggage; or draw any Tree or Piece of Timber, Block or Blocks of Wood or Stone, Metal, or other heavy Materials (except in or on some Carriage); or bind, make, or repair any Coach, Chaise, Waggon, Cart, Dray, Sledge, Wheelbarrow, or other Carriage, or the Wheels, Body, Springs, or other Part of any Coach, Chaise, Waggon, Cart, Dray, Sledge, Wheelbarrow, or other Carriage (except such Carriages as may want immediate repairing from any sudden Accident on the Spot, or which cannot conveniently be removed for that Purpose); or let off or fire any Musket, Gun, or Pistol, or other Fire Arms (except in case of Necessity for Self-defence); or make or assist in making any Bonfire, or set fire to or let off or throw any Crackers, Squibs, Rockets, or other Fire Works; or play at Foot Ball, or any other Game or Games to the Annoyance of any Inhabitant or Inhabitants, or Passenger or Passengers; or wilfully break, aid, or abet, or assist in wilfully breaking any Glass or Window Panes or Windows; or burn, dress, or cleanse any Cork; or hoop, fire, cleanse, wash, or scald any Cask or Tub; or hew, saw, bore, or cut any Timber or Stone; or throw, cast, lay, or place any Hay, Straw, Coals, Stones, Slates, Tiles, Lime, Bricks, Mortar, Timber, Boards, Iron, or other heavy Substance (except Stones, Lime, Bricks, Mortar, Timber, or other Materials used for building, or Dirt or Rubbish thereby occasioned, which shall be placed or inclosed in manner mentioned in this Act, so as to prevent any Mischief happening to Passengers); or any Dust, Dirt, Dung, Soil, Filth, Carrion, Blood, Offal, Refuse of Garden Stuff, or any Sort of Rubbish; or throw or cast any such Matters or Things, or any Rubbish, into any Common Sewer, Drain, Sink, or Watercourse, or throw or cast any Animal or Carcase, or any noxious or offensive Materials, Ingredients, Offal, or Filth into any public or private Well, Pump, Canal, Pool, Watercourse, or Reservoir for Water, or Common River or Brook within the said Township; or hang up, place, or expose to Sale the Carcase of any Calf, Sheep, Swine, Cattle, or Beast, or any Part or Parts thereof, or any Goods, Wares, or Merchandizes whatsoever, or any Fruit, Vegetables, or Garden Stuff, or other Matter or Thing, in or upon, or so as to project over or upon any Footway or Carriage Way, or beyond the Line of or on the Outside of the Window or Windows of the House or Shop at which the same shall be so hung up or placed, or exposed to Sale, or so as to obstruct or incommode the Passage of any Person or Carriage; or kill or slaughter, or singe, scald, or dress any Beast, Swine, Ox, Cow, Calf, Sheep, Lamb, or other Cattle, either wholly or in part, in any Shop or other Place

Place adjoining and exposed to any of such Streets, Lanes, Roads, Highways, Passages, or other public Places; or cause or permit any Offal, Blood, Filth, or other offensive Matter to run from any Slaughter House, Shambles, Butcher's Shop, Hogstye, or Dunghill; or fix up any Flower-pot or Bowpot; or Pots at any Window or Windows, without sufficiently guarding the same so as to prevent their being blown or thrown down; or leave open (after Sunset) the Door, Hatchway, or Flap Window, Grate, Stone, Plate, Board, or other Covering giving Light or Air to any Cellar, Coal Hole, Vault, Office, or other under-ground Room or Apartment, or of any Area, without having placed or left a sufficient Light to warn and prevent Persons from falling into such Cellars or other under-ground Rooms or Apartments or Areas, or leave open or not effectually fasten and secure any Grate, Stone, Plate, Board, or other Covering placed over any Opening in any Pavement, and used for putting Coals or other Articles into any Cellar or other Place under-ground; or throw at any Cock or Fowl, in the Manner called Cock-throwing, or set up any Cock or Fowl to be thrown at in such Manner; or bait or cause to be baited any Bull, Bear, or other Animal, in any Part of the said Town, or commit any public Nuisance or Annoyance whatever within the said Town; or run, draw, drive, or carry any Truck, Wheel, Sledge, Wheelbarrow, Bier, Handbarrow, or Carriage whatsoever, upon any Footway or Causeway, except only for the Purpose of crossing such Footway or Causeway; or drag thereon any Timber or Log of Wood, or any Stone or Metal; or roll thereon any Cask or Tub (other than for the necessary loading or unloading thereof) into, upon, from, or out of any Cart or Carriage; or set or place thereon any Furniture, Goods, Wares, or Merchandizes, or any Cask, Tub, Barrel, Box, Pail, Bucket, Stool, Bench, or Stall; or erect, set up, or place any Blind, Shade, Cover-lid, or Awning, or any other Matter or Thing in the Front of or before any House, Shop, or other Building, or so as in any Way to cause any Obstruction or Impediment in any such Footway or Causeway; or slide upon any such Footway or Causeway, or by standing, loitering, or remaining on any such Footway or Causeway without some reasonable or good and sufficient Cause, or in any other Manner obstruct or incommode, hinder, or prevent the free Passage of any such Footway or Causeway; or prejudice or annoy any Person or Persons travelling, passing, or going thereon; or throw, cast, lay, or sift any Ashes, except in the Time of Frost only, and to prevent Accidents; or wilfully ride, lead, or drive on any Footway or Causeway, any Horse, Mule, Ass, Swine, or other Beast or Cattle of any Kind whatever; or wilfully permit or suffer any Horse, or other Beast or Cattle which such Person may be riding, driving, or leading, to go thereon; or tie or fasten any Horse or other Beast or Cattle to any Door, Wall, Post, Tree, or other Thing whatsoever, so as that such Horse, Beast, or Cattle can go or stand across or upon any Footway or Causeway; each and every Person so offending in any of such Cases, or the Owner or Proprietor of any such Horse, Beast, Cattle, Carriage, Goods, Matter, or Thing aforesaid, as the Case may be (in any of such Cases where the Person actually offending cannot be found or discovered), or the Person causing any of such Offences, Matters, or Things to be committed or done, shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXIII. Provided always, and be it further enacted, That no Person shall be subject to any Penalty by virtue of this Act, for placing or setting

Provisions may be exposed to Sale, with the Con-

sent of the  
Commission-  
ers and Own-  
ers of the  
Markets.

setting any Stalls or Standings, or any Waggons, Carts, or other Carriages in which any Provisions, Goods, Wares, Merchandizes, Articles, or Things shall have been brought and be offered for Sale, or exposing to Sale any such Provisions, Articles, or Things so as that such Waggons, Carts, or other Carriages, Stalls or Standings, Articles or Things, be placed in such Part of the said Streets, Lanes, Roads, Passages, or public Places, as shall be appointed for that Purpose by the said Commissioners, with the Consent of the Owner or Owners of the Fairs and Markets held at, within, or for the said Town of *Barnsley* for the Time being, or his or their authorized Agent in Writing, due Care being taken in all the aforesaid Cases to impede or obstruct as little as possible the public Streets, Lanes, Roads, Highways, Passages, and Places within the said Town.

Existing  
Customs as  
to exposing  
Provisions  
to Sale, &c.  
not to be pre-  
judiced.

LXIV. Provided also, and be it further enacted, That no Person shall be subject to any Penalty by virtue of this Act for placing or setting any Stalls or Standings, or exposing to Sale any Provisions, Goods, Wares, Merchandizes, or other Articles or Things whatsoever, in such Parts of the several Streets, Lanes, Passages, and public Places within the said Town, as shall have been heretofore used for that Purpose at the Times of the usual Fairs and Markets within the said Town, due Care being taken to impede as little as possible the public Passage along the same.

Power to em-  
ploy Watch-  
men.

LXV. 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, when and as they shall think it expedient, to provide and set up Watch Houses and Watch Boxes, in such Situations as they shall judge proper and expedient, in any of the Streets, Lanes, Roads, Highways, Passages, and other public Places of the said Town; and to employ such and so many Watchmen and Night Patroles as they shall judge expedient and necessary to be employed for the Security and good Order of the said Town, and such Watchmen and Night Patroles from Time to Time to remove and displace, and to appoint others in their Stead; and also to order and direct how many of the said Watchmen and Patroles shall attend nightly, and how they shall be armed, and at what Stations they shall be placed, and for what Number of Hours they shall watch, and how often they shall go their Round, and also to fix and determine what Wages or other Allowances shall be paid to them for their Services; and the said Commissioners are hereby empowered to make such further Orders and Regulations from Time to Time, for the better Government and Direction of the said Watchmen and Patroles, as the Nature of their Services shall require.

Duties of  
Watchmen.

LXVI. And be it further enacted, That the said Watchmen and Night Patroles shall exert themselves in the Prevention of Fires, and also of Murders, Burglaries, Robberies, and other Outrages, Disorders, and Breaches of the Peace; and they are hereby required and empowered to apprehend all Nightwalkers, Felons, Malefactors, Vagrants, and Disturbers of the Peace, and all disorderly and suspected Persons, who shall be found misbehaving or wandering within the said Town, and to lodge them in a Watch House, or other Prison or Place of Security, to be there detained until they can conveniently be carried before some Justice of the Peace for the said West Riding, to be examined and dealt with according



according to Law; and all such Watchmen and Night Patroles are hereby respectively vested with such and the same Powers, Authorities, Privileges, and Protections, as Constables are invested with and entitled to by Law.

LXVII. And be it further enacted, That if any of the Watchmen or Night Patroles shall not attend in their respective Turns of Service to keep Watch at the Hour appointed, or shall cease keeping Watch during the several Hours appointed, or shall refuse or neglect to arrest any Nightwalker, Felon, Malefactor, Vagrant, Disturber of the Peace, or other disorderly or suspected Person, or shall not observe the Rules, Orders, and Regulations of the said Commissioners, or shall in any other Manner neglect their Duty or misbehave, every Person so offending shall forfeit and pay for every such Offence the Penalty of Twenty Shillings, and shall also, if the said Commissioners think fit, be dismissed from his Employment.

Penalty on Neglect of Duty.

LXVIII. And be it further enacted, That if any Victualler, Alehouse Keeper, or other Person selling Ale, Spirituous or other Liquors, shall harbour in his or her House or Outhouse any Watchman or Night Patrole during any of the Hours appointed for his Attendance on Duty, every such Person shall for every such Offence forfeit and pay the Sum of Twenty Shillings.

Penalty on Persons harbouring Watchmen.

LXIX. And be it further enacted, That if any Person or Persons shall at any Time or Times obstruct, hinder, molest, or interrupt any Watchman, Night Patrole, Workman, or other Person who shall be employed by or under the Authority of the said Commissioners by virtue or in pursuance of this Act, in the Exercise of any of the Powers hereby granted, or in the Performance or Execution of any Works or other Duties, Matters, or Things whatsoever by this Act directed or authorized to be done, then and in every such Case every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Forty Shillings.

Penalty on Persons molesting Watchmen, &c.

LXX. 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 to enter into any Contract or Contracts, as well for paving, repairing, amending, cleansing, widening, fencing, improving, and watching, as for lighting the several Streets, Lanes, Roads, Highways, Passages, and other public Places within the said Town, or any of them, or for doing any other of the Works by this Act authorized to be done, or for furnishing any Materials, Labour, or other necessary Matters and Things whatsoever for the Performance thereof, or for any other of the Purposes of this Act, with any Person or Persons who shall be willing to undertake and engage in the same: Provided always, that no such Contract or Contracts shall be made for a longer Term than Three Years from the making thereof, and that before any such Contract or Contracts shall be entered into, Ten Days Notice at the least shall be given in some Newspaper or Newspapers printed and circulated in the said West Riding, expressing the Purpose or Purposes of the Contract or Contracts intended to be made, in order that Persons willing to undertake the same may make Proposals to the said Commissioners at a certain Time and Place in such

Commissioners may enter into Contracts.

[Local.]

9 B

Notice

Notice to be specified; and all such Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works are to be completed, together with the Penalties to be incurred in case of Non-performance thereof, and the same shall be signed by the said Commissioners, or any Three or more of them, and also by the Person or Persons contracting to perform such Works respectively, and Copies of all such Contracts shall be entered in a Book to be kept for that Purpose by the Clerk or Clerks of the said Commissioners: Provided nevertheless, that when any Contract or Contracts shall be made by the said Commissioners with any such Gas Light Company as aforesaid, for lighting the said Town or any Part thereof, the same shall be valid and effectual although no Notice may have been given by the said Commissioners of their Intention to contract for such Lighting in manner aforesaid.

Composition  
for Breach of  
Contract.

LXXI. 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, or Body or Bodies Politic or Corporate, who shall have entered into any Contract or Contracts with the said Commissioners, in pursuance or under the Authority of this Act, for any Penalty or Penalties contained in any such Contract or Contracts, or in any Bond or Bonds, or other Security or Securities, for such Sum or Sums of Money, or other Recompence, as the said Commissioners shall think proper.

Power to  
purchase  
Buildings,  
&c. for  
widening  
and improv-  
ing Streets,  
&c.

LXXII. And for the Purpose of widening and otherwise improving the Streets, Lanes, Roads, Highways, Passages, and other public Places within the said Town, be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and empowered, from Time to Time to treat, contract, and agree with any Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenant or Tenants for Life, or in Fee Tail General or Special, or with any Feoffees in Trust, Husbands, Guardians, Committees, Lunatics, or Idiots, or other Trustees whomsoever, not only for and on Behalf of themselves and their respective Heirs and Successors, but also for and on Behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons under any Disability of acting for themselves, who are or shall be seised or interested in their own Rights, or with any other the Owners or Proprietors for the Time being, of all or any of the Messuages, Buildings, Lands, Tenements, or Hereditaments situate within the said Town, which are specified in the Schedule hereto annexed, for the absolute Purchase of the several Messuages, Buildings, Lands, Tenements, or Hereditaments specified in the said Schedule, or any of them, or any Part or Parts thereof which the said Commissioners shall consider proper and necessary to be purchased for the Purposes of this Act, at or for such Price or Prices as shall be considered just and reasonable by the said Commissioners.

Misnomers,  
or wrong  
Descriptions  
in Schedule,  
not to pre-  
vent the Exe-  
cution of the  
Act.

LXXIII. Provided always, and be it further enacted, That if any of the Lands, Messuages, Tenements, or Hereditaments mentioned and described in the Schedule hereunto annexed, or any of the Persons in whose Possession or Occupation the same, or any Part thereof, are or is stated or described to be, or the Owner or Owners, Leaseholder or Leaseholders thereof, or any other Person or Persons interested therein,

or in any Part thereof, shall happen by Mistake to be misnamed or incorrectly described, then and in such Case, on the same being certified by any Two of His Majesty's Justices of the Peace for the said West Riding of the County of *York*, such Misnomer or incorrect Description shall not prevent or retard the Execution of this Act; but the same Premises and every Part thereof shall and may be purchased, sold, assessed, and valued in manner as in this Act mentioned, and afterwards conveyed, disposed of, and applied for and to the Purposes of this Act, as fully and effectually as if the same was or were properly named and described in this Act, or in the said Schedule hereunto annexed.

LXXIV. And be it further enacted, That the said Commissioners shall or may, and they are hereby authorized and empowered, at any Time or Times, by and with the Consent of a Majority of the Inhabitants of the said Town of *Barnsley*, rated to the Rates and Assessments for carrying this Act into Execution, assembled in Vestry in pursuance of a Notice setting forth the Purport and Intent of such Meeting, and published in the several Churches in the said Town at least Ten Days before the Day of Meeting, to contract and agree with the Owner or Owners of, and any Trustees, Parties, or Persons interested in any other Messuages, Buildings, Lands, Grounds, Tenements, Pickages, Stallages, Market and Fair Rents, Tolls, Dues, Duties, Free Customs, Profits, Advantages, and Rights belonging, due, or in anywise appertaining to the Owner or Owners of the Fairs and Markets within the said Town of *Barnsley* for the Time being, or Hereditaments whatsoever, situate within the said Town, for the absolute Purchase thereof, or of any Part or Parts thereof which the said Commissioners shall think proper and necessary to be purchased for the Purposes of this Act, at or for such Price as shall be mutually agreed upon for the same.

Commissioners may purchase other Hereditaments with Consent of Inhabitants.

LXXV. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or Years, or in Fee Tail General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whatsoever, not only for and on behalf of themselves, and their respective Heirs and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femmes Covert, and other Persons under any Disability of acting for themselves, who are or shall be seised or interested in their own Right, and for all and every other Person and Persons whomsoever who are or shall be seised or possessed of or interested in any Messuages, Buildings, Lands, Tenements, or Hereditaments situate within the said Town, whether the same shall be specified in the Schedule to this Act annexed or not, which the said Commissioners shall consider proper and necessary to be purchased for the Purposes of this Act, to contract and agree with the said Commissioners for the absolute Sale thereof, or of any Part or Parts thereof, and to sell and convey the same, or any Part or Parts thereof, and all the Estate, Right, Title, and Interest whatsoever, of, in, and to the same, unto the said Commissioners for the Purposes of this Act; and all Contracts, Bargains, Sales, Conveyances, and other Assurances, which shall be made by virtue and in pursuance of the Provisions of this Act, shall, without any Fine, Recovery, or other Assurance in the Law whatsoever, and without Enrolment or Registry, be good, valid,

Corporate Bodies, &c. may sell.

valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Parties so conveying, but also to convey all the Right, Estate, Interest, Trust, Use, Property, Possession, Claim, and Demand whatsoever of their several Cestuique Trusts, and all Persons whomsoever claiming or having Title to claim by, from, through, or under them, and of all Persons entitled in Remainder or Reversion expectant on any particular Estates; and the same shall be deemed and considered to bar all Dower of the Wife or Wives of such Party or Parties, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of the same Party or Parties claiming under them, or any of them respectively, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees, and Trustees, and all other Persons whomsoever, are and shall be hereby indemnified for what they shall respectively do by virtue and in pursuance of this Act.

LXXVI. And be it further enacted, That all Sales, Conveyances, and Assurances to be made to the said Commissioners of any Messuages, Buildings, Lands, Tenements, or Hereditaments by virtue of this Act, may be made in the Form or to the Effect following; (that is to say),

Form of  
Conveyance.

‘ I [or, we, as the Case may be] of in  
‘ consideration of the Sum of paid to me [or, to us,  
‘ or, into the Bank of England, as the Case may be] by the Commissioners  
‘ acting under the Authority of an Act passed in the Third Year of the  
‘ Reign of King George the Fourth, intituled [here insert the Title of this  
‘ Act], do hereby grant and convey unto the said Commissioners all  
‘ [here describe the Premises to be conveyed], and all my [or, our] Right,  
‘ Title, and Interest, in and to the same; to hold the same for the Uses  
‘ and Purposes of the said Act, unto the said Commissioners and their  
‘ Successors from henceforth for ever: In Witness whereof I [or, we]  
‘ have hereunto set my Hand and Seal [or, our Hands and Seals, or, our  
‘ Common Seal, as the Case may be] this Day of in the  
‘ Year of our Lord

And that every such Sale, Conveyance, and Assurance made in manner aforesaid, shall be valid and effectual to all Intents and Purposes, and shall be sufficient in Law to vest the Property of and in any such Messuages, Buildings, Lands, Tenements, or Hereditaments so purchased and conveyed as aforesaid, in the said Commissioners for the Time being, for the Uses and Purposes of this Act; any Law, Statute, Usage, or other Matter or Thing to the contrary thereof notwithstanding.

Juries may  
assess Dam-  
ages in  
certain  
Cases.

LXXVII. And be it further enacted, That if any Body or Bodies Politic, Corporate, or Collegiate, or Corporation Aggregate or Sole, or any Tenant or Tenants for Life or Years, or in Fee Tail General or Special, or any Feoffees in Trust, Husbands, Guardians, Committees, or Trustees, or any other Owners, Proprietors, or Occupiers, or other Person or Persons whomsoever, either seised, possessed, or interested in his, her, or their own Rights or Accounts, on the Behalf of any incapacitated Person or Persons so seised, possessed, or interested, of, in, or to any of the

the Messuages, Buildings, Lands, Tenements, or Hereditaments situate within the said Town, which are specified in the Schedule annexed to this Act, shall, for the Space of Three Calendar Months next after Notice shall have been given to or left at the last or usual Place or Places of Abode of such Person or Persons, or of the Clerk or Head Officer of any such Body Politic, Corporate, or Collegiate, or at the House or Houses of the several Tenants in Possession of the said Premises, signed by the Clerk or Clerks of the said Commissioners, and signifying the Intention of the said Commissioners to contract for the Purchase thereof, neglect or refuse to treat, or shall not agree with the said Commissioners for the Sale of, or for the taking and using any such Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, specified in such Schedule, or shall be prevented by Absence or otherwise from treating for such Sale, or shall decline or refuse to sell, convey, or dispose of the said Premises, or any Part or Parts thereof, or their respective Estates, Rights, or Interests therein, unto the said Commissioners, according to the Intent and Meaning of this Act, or shall not or cannot produce a clear Title to the said Premises, or to their respective Estates, Rights, or Interests which they respectively claim therein, to the Satisfaction of the said Commissioners and such Party or Parties touching any of the aforesaid Premises, then and in every such Case it shall be lawful for the said Commissioners to cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *York* (which Oaths the said Commissioners, or any One or more of them, are hereby empowered to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to the Owners, Proprietors, or Occupiers of the said Messuages, Buildings, Lands, Tenements, Hereditaments, and Premises, for or by reason of the same being purchased or taken by the said Commissioners for the Purposes of this Act; and in order thereto the said Commissioners, or any Three or more of them, are hereby authorized, empowered, and required, from Time to Time to summon and call before them all Persons who shall be thought necessary and proper to be examined as Witnesses before the said Jury upon Oath (which Oath the said Commissioners, or any One or more of them, is and are hereby empowered to administer), and they shall order and require the said Jury to view the Premises in question, and to use all other lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have ascertained, awarded, and assessed such Damages and Recompence as aforesaid, they the said Commissioners shall thereupon order and determine the Sum or Sums of Money so awarded and assessed by the said Jury to be paid to the Owners, Proprietors, or Occupiers of the said Premises, or other the Person or Persons interested therein, according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, Order and Determination, when so had and made, shall be binding and conclusive to all Intents and Purposes whatsoever against all Persons, as well absent as present, and whether claiming in Possession, Reversion, Remainder, or otherwise, and all and every such Owners, Proprietors, Occupiers, and other Persons anywise interested in the said Premises, shall be thereby and from thenceforth divested, to all Intents and Purposes, of all Right, Title, Claim, Remainders, Reversions, Interest, or Property of, in, to, or out of the same; and upon the Payment of the Money so

[*Local.*]

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awarded

awarded or assessed to the respective Parties entitled thereto, or on paying the same into the Bank of *England* in the Manner directed by this Act, in Cases where the Provisions of this Act require or allow the same to be so paid, it shall be lawful for the said Commissioners to cause the Premises in respect whereof such Money shall be so awarded and assessed to be taken Possession of and disposed of, and such Acts to be done thereto, as if the Purchase or taking thereof had been agreed to and completed, and the said Premises were untenanted, and the Purchase Money or Recompence had been actually received by the Person or Persons entitled thereto.

Jury to be sworn.

LXXVIII. And be it further enacted, That each and every of the said Jury shall be sworn to ascertain and assess such Recompence and Satisfaction as aforesaid in the Form following, except so far as it may be necessary to change the same for the Purpose of describing the Matter or Thing, Matters or Things, for which the said Recompence or Satisfaction is to be made, ascertained, or given :

Oath.

‘ I *A. B.* do swear [*or affirm, as the Case may be*], That I will well and truly assess and enquire, without any Favour, Partiality, or Affection whatsoever, the Sum which ought to be paid or granted [*as the Case may be*] for and in Recompence of [*describing the Premises only if the total Value thereof is to be Matter of Enquiry, or if any separate Interest or Interests therein, then say*] the Estate and Interest of *A. B.*, or of the several and respective Estates and Interests of *A. B.*, *C. D.*, and *E. F.*, and each and every of them, in the [*describe the Premises to be purchased*], under and by virtue of an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled [*here recite the Title of this Act*], and that I will give a true Verdict according to the Evidence.  
So help me GOD.’

[*or, being a Quaker, omit the Words ‘ So help me GOD.’*]

Commissioners to issue their Warrant for summoning Juries.

LXXIX. And be it further enacted, That for summoning and returning such Jury as aforesaid, the said Commissioners are hereby empowered to issue their Warrant or Warrants, signed by any Three or more of them, to the Sheriff of the County of *York*, thereby requiring such Sheriff to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Commissioners, or any Five or more of them, at such Time and Place within the said Town as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy is hereby required to summon, impanel, and return such Twenty-four Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Commissioners shall swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in default of the Attendance of a sufficient Number of Jurymen, the said Sheriff or his Deputy shall return other indifferent Men of the Standers-by, or who can be speedily procured to attend that Service, so that the Jury may amount to the Number of Twelve; and in case the Jury to be sworn as aforesaid shall return to the said Commissioners that they cannot agree in their Verdict, the said Sheriff or his Deputy is hereby authorized and required, upon receiving any other Warrant or Warrants from the said Commissioners in that Behalf, to impanel, summon,

summon, and return another Jury, in the Manner and for the Purposes aforesaid: Provided always, that all Persons concerned shall have their lawful Challenges against any of the said Jurymen, in the same Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster* is by Law entitled thereto; and the said Commissioners are hereby empowered to impose any reasonable Fine or Fines upon the said Sheriff or his Deputy making any Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury, and who shall not appear (without some sufficient Excuse), or after having appeared shall refuse to be sworn on the said Jury, or having been sworn shall refuse to give or shall not give a Verdict in the Matter in question, or who shall in any other Manner wilfully neglect his or their Duty therein; and also upon any of the Persons who, being summoned or required to give Evidence before the said Jury touching the Premises, shall neglect or refuse to appear (without sufficient Excuse), after having been paid or tendered a reasonable Sum of Money for his or her Expences, or appearing shall refuse to be sworn or to be examined or give Evidence touching the same; but no such Fine shall exceed the Sum of Fifty Pounds on any such Sheriff or Deputy, or the Sum of Five Pounds upon any other Person, for One Offence.

LXXX. Provided always, and be it further enacted, That each and every Jurymen who shall be sworn for the Purposes of this Act shall, for his Trouble and Expences in the Premises, be allowed the Sum of Ten Shillings and Sixpence for each Day's Attendance, and no more, notwithstanding such Jurymen shall be sworn on several Enquiries and Assessments on the same Day; and that the Sheriff, for impannelling, summoning, and returning of each Jury, shall be allowed the Sum of One Pound One Shilling, and no more; which said Allowance, in case of any Dispute or Difference, shall be settled and determined by any Two Justices of the Peace for the said West Riding.

Allowance  
to Sheriff  
and Jury.

LXXXI. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered for or on Behalf of the said Commissioners as a Recompence or Satisfaction for any such Messuages, Buildings, Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, all the Costs and Charges to be incurred in taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Commissioners out of the Monies to be raised by virtue of this Act; and such Costs and Expences shall be settled and determined by some Justice of the Peace of the said West Riding, not interested in the Matter in question (who is hereby authorized and required to settle the same, at a Time and Place to be by him appointed), after summoning the Parties interested therein to attend him for that Purpose; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same, within Seven Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Commissioners, or of any Goods or Chattels of the Treasurer or Treasurers of the said Commissioners (unless such Treasurer or Treasurers shall pay such Costs and Charges out of any Monies received by him by virtue of this

Expences of  
Juries how  
to be paid.

this Act, which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace for the said West Riding, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on Behalf of the said Commissioners as such Recompence or Satisfaction as aforesaid, all the Costs and Charges to be incurred as aforesaid shall be borne by the Party or Parties refusing or neglecting to treat or agree as before mentioned, or with whom the said Commissioners shall have had any Disagreement or Dispute concerning such Recompence or Satisfaction as aforesaid; but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Commissioners, the Costs and Charges so incurred shall be borne by the said Commissioners in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of such Costs and Charges, the same shall be settled and ascertained by any Justice of the Peace in and for the said West Riding, not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same; and where the Costs shall be payable by the Party or Parties having had such Disagreement or Dispute with the said Commissioners as aforesaid, the Amount thereof, having been first paid by the said Commissioners, may be deducted by them out of the Monies awarded to be paid to such Party or Parties, as so much Money advanced for his, her, or their Use; and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Commissioners, from the Party or Parties liable to the Payment thereof, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

Verdict of  
Jury to be  
final.

LXXXII. And be it further enacted, That after the said Jury shall have enquired of, ascertained, and assessed such Recompence and Satisfaction as aforesaid, the said Commissioners shall thereupon adjudge and determine the Sum or Sums so assessed by such Jury to be paid accordingly, and the Verdict of such Jury, and the Judgment or Determination to be so made thereupon, shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and against all Parties and Persons whomsoever.

Tenants to  
deliver Possession  
after  
Notice.

LXXXIII. And be it further enacted, That all Tenants or Persons in Possession of any Messuages, Cottages, Buildings, Lands, Tenements, or Hereditaments, which shall or may be purchased in pursuance of this Act by the said Commissioners, or vested in them for any of the Purposes of this Act, who shall have no greater Estate in the Premises than Tenants at Will, or Lessees for a Year, or from Year to Year at Rack Rent, or for a Term of Years, shall, at the End of Six Calendar Months next after Notice in Writing, signed by the Clerk or Clerks of the said Commissioners, shall have been given to him, her, or them, or left at his



his, her, or their usual Place or Places of Abode, or at the Premises which shall be the Subject of such Notice, and all other Tenants or Persons in Possession of any such Messuages, Buildings, Lands, Tenements, or Hereditaments, who shall have any greater Estate or Interest in the said Premises than as aforesaid, or who by reason of any Erections or lasting Improvements made, or otherwise, shall have any equitable Claim or Interest in or upon the said Premises, shall also, at the End of Six Calendar Months next after the like Notice so given or left as aforesaid, and upon Payment or Tender being made to them of such Recompence or Satisfaction for their Term, Estate, or Interest in the Premises as shall be mutually agreed upon, or shall in default of such Agreement be settled, ascertained, and awarded by the Verdict or Inquisition of a Jury in manner aforesaid (and to which all the Provisions herein-before contained as to other Inquisitions shall be held to apply), quit and relinquish the said several Premises so in their respective Possessions unto the said Commissioners, or such Person or Persons as shall be appointed by them to receive Possession of the same; and all Leases, Demises, Contracts, and Agreements whatsoever, under or by virtue whereof any such Tenants or Lessees shall hold the said Premises, shall, at and from the End and Expiration of such Six Calendar Months, be absolutely void and of none Effect as against the said Commissioners; and if any such Tenant or Lessee as aforesaid shall refuse or neglect to deliver up the Premises in his or her Possession at the Expiration of such Six Calendar Months, it shall be lawful for any Justice of the Peace for the said West Riding to issue his Precept or Warrant to the Constables in the said Riding for the Time being, or any of them, commanding and requiring such Constables, or any of them, to cause Possession of the said Premises to be taken, and afterwards delivered to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same on Behalf of the said Commissioners; and the said Constables, and every of them, are thereupon hereby authorized and required to cause such Possession to be taken and delivered accordingly.

LXXXIV. And be it further enacted, That if any Money shall be contracted or agreed or awarded to be paid for the Purchase of any Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, Collegiate, or Ecclesiastical, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or Idiot, or any other Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *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 Party or Parties who would have been entitled to the Rents and Profits of the said Messuages, Buildings, Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Messuages, Buildings, Lands,

Application  
of Purchase  
Money when  
amounting  
to 200l.

[Local.]

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Lands,

Lands, Tenements, or Hereditaments standing and being settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Buildings, Lands, Tenements, or Hereditaments; which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Buildings, Lands, Tenements, or Hereditaments, which shall be purchased, taken, or used for the Purposes of this Act, stood and were settled and 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 meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application made 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 meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends of the said Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Party or Parties who would for the Time being have been entitled to the Rents and Profits of the said Messuages, Buildings, Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

When under  
200l. and  
exceeding  
20l.

LXXXV. Provided always, and be it further enacted, That if any Money so contracted or agreed or awarded to be paid for any Messuages, Buildings, Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes of this Act, which shall belong to any Body Politic, Corporate, Collegiate, or Ecclesiastical, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or Idiot, or any other Person or Persons under any 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 Party or Parties who would have been entitled to the Rents and Profits of the Messuages, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Lunacy, or Idiotcy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be named by the Party or Parties making such Option, and approved by Three or more of the Commissioners for executing this Act (such Nomination and Approbation to be signified by Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends and Produce thereof, may be applied in the Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

LXXXVI. Provided also, and be it further enacted, That where such Money so contracted or agreed or awarded to be paid as aforesaid shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Party or Parties who would for the Time being have been entitled to the Rents and Profits of the Messuages; Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners for executing this Act, or any Three or more of them, shall think fit; or in Cases of Infancy, Lunacy, or Idiocy, then to the Guardian or Guardians, Committee or Committees, of the Infants, Lunatics, or Idiots entitled to such Rents and Profits, to and for the Use and Benefit of such Infants, Lunatics, or Idiots respectively.

When amounting to 20l.

LXXXVII. And be it further enacted, That in case any Party or Parties to whom any Sum or Sums of Money shall have been so awarded for the Purchase of any of the said Messuages, Buildings, Lands, Tenements, or Hereditaments specified in the said Schedule annexed to this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Conveyances of the same; or in case the Party or Parties to whom such Sum or Sums of Money shall have been so awarded as aforesaid cannot be found, or if the Party or Parties entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments shall not be known or discovered, then and in every such Case it shall be lawful for the said Commissioners, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to 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, to the Credit of the Parties interested in the said Messuages, Buildings, Lands, Tenements, or Hereditaments [describing the said Premises], subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, upon the Application of any Party or Parties making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, 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 Purchase of the like Bank Annuities as aforesaid, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Party or Parties making claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay the same into the Bank as aforesaid.

Compensation Money to be paid into the Bank on Refusal to accept.

LXXXVIII. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Party or Parties to any Money to be paid into the Bank of *England* in pursuance of this Act, for the Purchase of any Messuages, Buildings, Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased or taken by the said Commissioners in pursuance of this Act, or to any Bank Annuities

Rights of Persons in Possession to have Preference.

ties

ties to be purchased with any of such Money, or to the Dividends of any such Bank Annuities, the Party or Parties who shall have been in Possession of such Messuages, Buildings, Lands, Tenements, or Hereditaments at the Time of such Purchase by the said Commissioners, shall be deemed and taken to have been lawfully entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends of the said Bank Annuities, and also the Capital of the same Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall appear to the said Court that such Possession was a wrongful Possession, and that some other Party or Parties was or were lawfully entitled to such Messuages, Buildings, Lands, Tenements; or Hereditaments, or to some Estate or Interest therein.

Costs attending Purchases to be paid by Commissioners.

LXXXIX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Party or Parties entitled to any Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, or to be applied in the Purchase of other Messuages, Buildings, Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time, out of the Monies to be raised by virtue of this Act, pay such Sums of Money for the Purposes aforesaid as the said Court shall direct.

Property purchased to vest in Commissioners.

XC. And be it further enacted, That from and immediately after actual Payment being made of the Monies contracted and agreed, or otherwise awarded to be paid by the said Commissioners as the Purchase Money or Recompence for any Messuages, Lands, Buildings, Tenements, or Hereditaments which shall be purchased or taken by the said Commissioners by virtue or in pursuance of this Act, either to the Person or Persons, Party or Parties respectively entitled to receive the same Monies, or (where the Provisions of this Act shall so require or allow) into the Bank of *England*, for the Purpose of being disposed of in the Manner in this Act directed, all and every the Messuages, Buildings, Lands, Tenements, and Hereditaments, for or in respect whereof such Monies shall have been so paid, shall absolutely vest in the said Commissioners for the Purposes of this Act, and the said Commissioners for the Time being shall be deemed in Law to be in the actual Possession thereof, to all Intents and Purposes whatsoever, freed and discharged of and from all former and other Estates, Rights, Titles, Interests, Claims, and Demands whatsoever; any Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding.

Power to pull down Buildings.

XCI. 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 to cause all and every the Messuages and other Buildings which shall at any Time or Times be purchased or taken by the said Commissioners under the Powers and for the Purposes of this Act, or any of them, or any

any Part or Parts thereof, to be appropriated to any of the Purposes of this Act, or otherwise to be pulled down and removed, and to cause all or any Part or Parts of the Sites thereof, and any other Land or Ground to be purchased or taken under the Powers and for the Purposes of this Act, to be added or laid to or into, and made Part of any of the Streets, Lanes, Roads, Passages, or other public Places within the said Town, for the Purpose of widening or otherwise improving the same, or for making any Communication or Communications between any of the Streets, Lanes, Roads, Passages, or other public Places within the said Town, in such Manner as the said Commissioners shall judge proper; and that it shall be lawful for the said Commissioners to cause all or any of the Materials of the several Messuages or other Buildings, or Parts of Messuages or Buildings, which shall be taken down in pursuance of this Act, to be sold, and all the Monies to be produced by the Sale thereof (after deducting the Expences of taking down such Buildings and of such Sale) shall be applied and disposed of for or towards the general Purposes of this Act.

XCII. And be it further enacted, That in all Grants and Conveyances to be made by the said Commissioners, under or by virtue of the several Powers and Authorities by this Act granted, the Words "Grant, Bargain, and Sell," shall be and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee or Purchaser, his, her, and their Heirs, Executors, Administrators, and Assigns, from the said Commissioners, for themselves and their Successors, that the said Commissioners, notwithstanding any Act done by them, were, at the Time of the Execution of every such Grant or Conveyance, seised of the Lands, Hereditaments, and Premises thereby granted, conveyed, and sold, of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, for the quiet Enjoyment thereof, against the said Commissioners and their Successors, and all Persons claiming under them; and all such Purchasers shall be indemnified and saved harmless by the said Commissioners and their Successors.

Certain Words to operate as a Covenant.

XCIII. And be it further enacted, That it shall be lawful for the said Commissioners to sell, lease, or demise so much or such Part or Parts of the Messuages, Buildings, Lands, Tenements, or Hereditaments, to be purchased by or vested in them by virtue of the Powers herein contained, as shall at any Time or Times be found by them to be unnecessary or more than sufficient for the Purposes of this Act; and for completing and carrying any such Sales or Demises into effect, the said Commissioners, or any Three or more of them, are hereby authorized and empowered to make and execute any Conveyances, Leases, or Demises of such of the said Premises as shall be so sold, leased, or demised unto the Purchasers or Lessees thereof; and such Conveyances, Leases, or Demises shall in all Cases be deemed sufficient in Law to vest such of the said Premises as shall be expressed and intended to be granted or demised by such Conveyances, Leases, or Demises in the Purchasers or Lessees thereof, and his, her, or their respective Heirs and Assigns, or Executors, Administrators, and Assigns: Provided nevertheless, that the Person or Persons who shall be Owner or Owners of the House, Building, or Land adjoining to the said Premises, shall have the first Preference of purchasing such Part or Parts of the said Premises as shall

Power to resell or demise Premises not wanted.

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be found unnecessary as aforesaid; and in case such Owner or Owners shall, upon the same being offered to him, her, or them by the said Commissioners, decline or refuse to purchase the same, then and in every such Case, on an Affidavit being made and sworn before a Master or Master Extraordinary of the High Court of Chancery by some Person or Persons (not interested in the Premises), stating that such Offer was made by or on the Behalf of the said Commissioners, and that such Owner or Owners declined or refused to purchase the said Premises, such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was declined or refused by such Owner or Owners; but in case such Owner or Owners shall be desirous of repurchasing the same, and cannot agree with the said Commissioners in regard to the Price to be paid for the Purchase thereof, then and in such Case the Price or Value thereof shall be settled and ascertained by a Jury, in like Manner as the Recompence or Satisfaction for any Hereditaments to be purchased or taken by the said Commissioners for the Purposes of this Act is herein-before directed to be settled and ascertained; and the Costs and Charges of ascertaining and determining the same shall be borne and paid in like Manner as herein-before is directed with respect to Purchases made by the said Commissioners, *mutatis mutandis*; and all Monies to arise by any Sales or Demises which may be made by the said Commissioners of the said Premises, or any Part or Parts thereof, shall be applied to the general Purposes of this Act; but the Purchasers or Lessees thereof, having paid his, her, or their Purchase Monies or Rents to the Treasurer or Treasurers of the said Commissioners, and obtained his or their Receipt or Receipts for the same, shall not be liable to see to the Application of the said Monies, or answerable or accountable for the Misapplication or Nonapplication of the same.

Power to lay  
a paving  
Rate.

XCIV. And in order to raise Money to defray and pay the Charges and Expences of paving, flagging, repairing, and amending the Streets, Lanes, Roads, Highways, and other public Passages and Places within the Limits of this Act; be it further enacted, That it shall be lawful to and for the said Commissioners, or any Three or more of them, and they are hereby authorized and empowered, when and so often as they shall think necessary, at any Meeting or Meetings to be holden for that Purpose, to order and direct a Rate or Rates, Assessment or Assessments, to be made, charged, and levied, not exceeding One Shilling and Three-pence in the Pound in any one Year, under the Name and by the Description of "The Paving Rate," on the full annual Rent or Value of all Houses, Buildings, Warehouses, Shops, Cellars, Vaults, Founderies, Furnaces, Steam and other Mills, Stables, Coach Houses, Counting Houses, Brewhouses, Granaries, Calenders, and other Buildings and Works, Lands, Tenements, and Hereditaments already or hereafter to be erected, built, or made, or situate, standing, lying, or being within the Limits of this Act, and upon the several Gardens, Orchards, Paddocks, Curtilages, Yards, and other Conveniencies thereto adjoining or belonging; and such Rate or Rates, Assessment or Assessments, shall be made at any Time after the passing of this Act; and shall be paid to and raised, levied, and collected by any Collector or Collectors to be appointed by the said Commissioners, and shall, when collected, be paid to the Treasurer or Treasurers for the Time being of the said Commissioners, for

defraying

defraying and paying the several Charges and Expences last aforesaid; such annual Rent or Value to be from Time to Time settled, ascertained, and fixed in such Manner as the said Commissioners shall direct or appoint.

XCV. And in order to raise sufficient Money to defray and pay the Charges and Expences of lighting, watching, and regulating the Streets, Lanes, Roads, Passages, and other public Places within the said Town, and all other the Costs, Charges, and Expences of or attending or incident to the obtaining and passing of this Act, and carrying the several Powers and Purposes thereof into Execution save and except for paving, flagging, repairing, amending, fencing, and improving the Streets, Lanes, Roads, or other public Paths and Passages within the said Town, and for purchasing any Messuages, Cottages, Buildings, Lands, or Tenements for the Purpose of widening or improving any Street, Lane, Road, Passage, or other public Place within the said Town as herein-after mentioned; be it further enacted, That it shall be lawful to and for the said Commissioners, or any Three or more of them, and they are hereby authorized and empowered, from Time to Time, when and so often as they shall think necessary, at any Meeting or Meetings to be holden for that Purpose, to order and direct a Rate or Rates, Assessment or Assessments, to be made, assessed, charged, and levied, not exceeding One Shilling in the Pound in any one Year, under the Name and by the Description of "The Lighting and Watching Rate," on the full annual Rent or Value of all Houses, Warehouses, Shops, Cellars, Vaults, Foundries, Furnaces, Steam and other Mills, Stables, Coach Houses, Counting Houses, Brewhouses, Granaries, Calenders, and other Buildings, Works, or Tenements already built, erected, or made, or which shall hereafter be erected, built, or made within the Limits of this Act, and upon the several Gardens, Yards, or other Conveniencies thereto adjoining or belonging, and upon all Gardens, Orchards, Paddocks, Tenements, and Hereditaments adjoining to or upon any of the Streets, Lanes, Roads, Passages, or other public Places which are already made or built, or which shall hereafter be made or built within the Limits of this Act; and such Rate or Rates, Assessment or Assessments, shall be made at any Time after the passing of this Act, and shall be paid to and raised, levied, and collected by any Collector or Collectors to be appointed by the said Commissioners, and shall when collected be paid to the Treasurer or Treasurers for the Time being of the said Commissioners, for defraying and paying the several Charges and Expences aforesaid; such annual Rent or Value to be from Time to Time settled, ascertained, and fixed in such Manner as the said Commissioners shall direct or appoint.

Power to lay a lighting and watching Rate.

XCVI. And for raising sufficient Money to defray and pay the other Charges and Expences of executing this Act, be it further enacted, That it shall be lawful to and for the said Commissioners, or any Three or more of them, and they are hereby authorized and empowered, from Time to Time, when and so often as they shall see Occasion, at any Meeting or Meetings to be holden for that Purpose, to order and direct another Rate or Assessment, or other Rates or Assessments, to be made, assessed, charged, and levied, not exceeding Sixpence in the Pound in any one Year, under the Name and by the Description of "The Public Improvement Rate," on the full annual Rent or Value of all Houses, Warehouses, Shops, Cellars,

Power to lay Rate for purchasing Buildings.

Cellars, Vaults, Founderies, Furnaces, Steam and other Mills, Stables, Coach Houses, Counting Houses, Brewhouses, Granaries, Calenders, and other Buildings, Works, or Tenements already built, erected, or made, or which shall hereafter be built, erected, or made within the Limits of this Act, and upon the several Gardens, Yards, or other Conveniencies thereto adjoining or belonging, and upon all Gardens, Orchards, Paddocks, Tenements, and Hereditaments adjoining to or upon any of the Streets, Lanes, Roads, Passages, or other public Places which are already made or built, or which shall hereafter be made or built within the Limits of this Act; and such Rate or Rates, Assessment or Assessments, shall be made at any Time after the passing of this Act, and shall be paid to and raised, levied, and collected by any Collector or Collectors to be appointed by the said Commissioners, and shall when collected be paid to the Treasurer or Treasurers for the Time being of the said Commissioners, for defraying and paying the Purchase Monies, and the several Charges and Expences of or attending or incident to the purchasing of any Messuages, Cottages, Buildings, Gardens, Lands, Tenements, or Hereditaments, or with the Consent of the Owner or Owners of the Fairs and Markets for the Time being, to the erecting or building any Shambles, Slaughter Houses, and Market Cross, or to the widening or otherwise improving of any Streets, Lanes, Roads, Passages, or other public Places within the Limits of this Act; such annual Rent or Value to be from Time to Time settled, ascertained, and fixed, in such Manner as the said Commissioners shall direct or appoint.

Exemptions  
from Rates.

XCVII. Provided always, and be it further enacted, That no Person shall be rated or pay the several Rates or Assessments which shall be made by virtue or in pursuance of this Act, who shall occupy a House or Houses within the said Town of less than the yearly Value of Three Pounds; and no Rate or Assessment shall by virtue of this Act be payable by any Person who, by reason of his or her own Poverty only, is or shall be excused from paying any Rate made for the Relief of the Poor of the said Township; nor shall any Person be charged with or rated in or by any of the Rates or Assessments to be made under the Names and by the Descriptions of "The Lighting and Watching Rate," and "The Public Improvement Rate," for or on account of any Land whatsoever which shall at the Time of making any such Rates or Assessments be Wood Land, or used as Arable, Meadow, or Pasture Ground only.

Persons occupying  
Lands, &c.  
to be discharged from  
contributing  
towards re-  
pair of Roads.

XCVIII. Provided always, and be it further enacted, That all such Tenants and Occupiers of Lands, Houses, Tenements, and Hereditaments liable to be assessed for or towards the Repair of the Highways within the said Township of *Barnsley*, as lie or are situated without the Limits of this Act, shall not in respect thereof be liable to contribute, and shall be discharged from contributing to the Repair of any Highways, Roads, Lanes, or Streets within the Limits of this Act, directed to be paved or maintained in repair by the said Commissioners by virtue of this Act; and all Tenants and Occupiers of Houses, Buildings, Lands, and other Premises which shall be assessed by virtue of this Act to "The Paving Rate," shall not in respect thereof be liable to contribute, and shall be discharged from contributing to the Repairs of the Highways, Roads, and Lanes in the said Township out of the Limits of this Act.

XCIX. And



XCIX. And be it further enacted, That every Tenant or Occupier of Premises rated to the said Rate or Assessment, called "The Public Improvement Rate," shall first pay the whole Rate made in respect of the Premises so rated as aforesaid, in his or her Possession by virtue of this Act, and then afterwards shall be entitled to deduct, out of the Rent payable to his or her Landlord, one Moiety of such Rate or Assessment called "The Public Improvement Rate."

Tenants to pay the whole Improvement Rate, and deduct a Moiety from the Landlord.

C. And be it further enacted, That where any House shall be divided into or let in Two or more separate Apartments, Stories, or Tenements, and shall be occupied or inhabited by different Persons or Families, the same shall, nevertheless, be subject to the several Rates and Assessments granted by this Act, and the Landlord or Proprietor or Lessee of every such House shall be assessed to and pay the Rates and Assessments in respect of such House in such and the like Manner as if he or she were the actual Occupier thereof.

Houses let in separate Tenements or Apartments, the Landlord to be deemed Occupier, and to pay the Rates.

CI. Provided also, and be it further enacted, That if any Tenant or Occupier of any Messuage, Building, Garden, Tenement, or Hereditament by this Act directed to be rated or assessed, shall, by reason of his or her Poverty, be excused from Payment of the Rates made for the Relief of the Poor of the Parish or Township wherein he or she shall reside, or if he or she shall on that Account not be charged with any such Poor Rate, then and in every such Case the Rates or Assessments to be made by virtue of this Act, and also the Rates and Assessments upon Houses within the said Town under the yearly Value of Three Pounds, shall be wholly borne and paid by the respective Landlords or Proprietors of such Messuages, Houses, Buildings, Gardens, Tenements, and Hereditaments, and who shall be assessed for the same as if they were the Occupiers thereof.

Landlords to pay the whole Rate in case of poor Tenants.

CII. 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, by Warrant under the Hands and Seals of any Three or more of them, to appoint Two or more Inhabitants of the said Town of *Barnsley*, liable to serve Parish Offices there, and not being of the Number of the said Commissioners, to be Assessors, for any Period not exceeding Two Years from the Time of their Appointment, of the several Rates or Assessments herein-before authorized to be made; and such Persons, so from Time to Time appointed Assessors, are hereby empowered and required to make and assess all such Rates and Assessments as shall be ordered and directed by the said Commissioners, upon all Occupiers of Houses, Shops, Warehouses, Cellars, Vaults, Foundries, Furnaces, Steam and other Mills, Stables, Coach Houses, Counting Houses, Brewhouses, Granaries, Calenders, and all other Buildings, Erections, Works or Tenements, Gardens, Yards, Orchards, Paddocks, and other Conveniences, Tenements, and Hereditaments within the said Town, which shall be liable to be rated under the Directions of this Act, such Assessors being previously sworn before the said Commissioners, or any Five or more of them (who are hereby authorized to administer the Oath in that Behalf), truly, faithfully, and impartially to make such several Rates or Assessments: Provided nevertheless, that no Rate or Assessment to be made by virtue of this Act shall be valid, or of any

Commissioners to appoint Assessors.

[*Local.*]

Force or Effect, until the same shall be allowed, confirmed, and signed by Three or more of the said Commissioners; and after the said several Rates or Assessments shall respectively have been so made, allowed, confirmed, and signed as aforesaid, the same shall and may respectively be demanded, collected, levied, raised, recovered, and received by such Collector or Collectors, as the said Commissioners, by Warrant under the Hands and Seals of any Three or more of them, shall from Time to Time appoint for that Purpose, and who are hereby respectively invested with full Power and Authority to demand, collect, levy, raise, recover, and receive the same; and if any Person who shall be appointed an Assessor of the said Rates or Assessments, or any of them as aforesaid, shall refuse or neglect to take upon himself the Office of Assessor within Seven Days next after Notice in Writing of such Appointment, without assigning some reasonable Cause, to be allowed by the said Commissioners for his Refusal; or if such Person who shall be so appointed as an Assessor shall refuse to be sworn, or being a Quaker, to affirm faithfully, truly, and impartially to execute such Office, every Person so neglecting or refusing shall for every such Neglect or Refusal forfeit and pay the Sum of Ten Pounds: Provided nevertheless, that no Person shall be obliged to serve the said Office of Assessor for a longer Period than Two Years together, nor be liable to be appointed to the said Office within Five Years next after his having served the same, or paid the said Penalty as aforesaid, and that no Person above the Age of Sixty Years shall be compellable to serve or undertake the said Office of Assessor as aforesaid.

Assessors to attend the Commissioners when required with Duplicates of Assessments.

CIII. And be it further enacted, That such Assessor or Assessors shall appear at such Time and Place as the said Commissioners shall, by Writing signed by any Three or more of them, order and appoint, and shall then and there produce and deliver to the said Commissioners Two Copies or Duplicates of such Rates or Assessments made and subscribed by such Assessor or Assessors, and shall from Time to Time, upon reasonable Notice to him or them given by the said Commissioners, attend the said Commissioners at any of their Meetings, and shall then and there explain any such Rates or Assessments.

Collectors to pay over Money to the Commissioners when required.

CIV. Provided always, and be it further enacted, That such Collector or Collectors is and are once at least in every Month, or oftener if required so to do by the said Commissioners, by Writing signed by their Clerk or Clerks for the Time being, to pay the Money to be collected or received by virtue of this Act to the Treasurer or Treasurers for the Time being of the said Commissioners, or to such Person or Persons as the said Commissioners shall appoint to receive the same, to be applied to and for the Uses and Purposes herein-before mentioned; and all and every such Collector or Collectors shall and is and are hereby required, at the Time of making every such Payment of Money as aforesaid, to deliver to the Person or Persons empowered to receive the same, true and exact Accounts of all Sums of Money received by him or them respectively, and also of such Sums of Money, Rates, or Assessments, if any, which shall remain uncollected, together with the Reason why the same have or hath not been collected, to the End that it may appear whether such Nonpayment or Noncollection happened through the Insolvency of the Person or Persons rated, or through the Default of the Collector or Collectors; and

no such Collector or other Officer, acting in the Execution of this Act (except the Treasurer), shall at any Time retain in his or their Hands a larger Sum than Fifty Pounds, upon Pain of forfeiting to the said Commissioners the Sum of Ten Shillings *per* Day for each Fifty Pounds retained beyond the Sum of Fifty Pounds, and so after the same Rate for any less Sum than the Sum of Fifty Pounds.

CV. And be it further enacted, That if any Assessor or Assessors, Collector or Collectors, shall wilfully over-rate any Person or Persons, or collect more than the respective Sum or Sums which shall have been rated or assessed as aforesaid, or shall otherwise misbehave himself or themselves in his or their respective Office or Offices, he or they shall for every such Offence or Misbehaviour forfeit and pay any Sum not exceeding Five Pounds, and also be discharged from his or their respective Office or Offices, if the said Commissioners shall think fit.

Assessors and Collectors over-rating or misbehaving subjected to Penalty and Dismissal.

CVI. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and empowered, from Time to Time, when and as they shall think fit, to inspect and examine any of the Books or Assessments of Rates for the Relief of the Poor of the said Township of *Barnsley*, or any of the Books of Assessments of the Land Tax, and to cause Copies or Extracts of or from such Books or Assessments, or any Part thereof, to be taken 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 permit and suffer the said Commissioners, or any of them, at all seasonable Times, to examine such Books or Assessments, or cause Copies or Extracts thereof to be taken, then and in every such Case such Person who shall so refuse or neglect shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to inspect Rates.

CVII. And be it further enacted, That if any such Assessor or Assessors shall at any Time or Times hereafter, in any Rate or Assessment by him or them to be made by virtue or in pursuance of this Act, neglect or omit to rate or assess any Person or Persons liable to pay such Rate or Assessment, or shall in any such Rate or Assessment under-rate or over-rate any Person or Persons liable to pay any such Rate or Assessment, then and in every such Case it shall be lawful for the said Commissioners to rate and assess in the said Rate or Assessment such Person or Persons so omitted to be rated or assessed, and to raise or reduce such Person or Persons so under-rated or over-rated, or otherwise to amend such Rate or Assessment, in such Manner as to the said Commissioners shall seem just and reasonable; and the said Commissioners shall and may, and they are hereby empowered, to strike out the Name or Names of any Person or Persons whom they shall determine to be not liable to the Payment of the Rates hereby directed respectively to be raised; and that all such Additions to or Alterations in any Rate or Assessment shall be valid and effectual to all Intents and Purposes whatsoever.

Commissioner may amend Rate.

CVIII. And be it further enacted, That in all Cases where any Person or Persons shall have removed from or quitted any House, Building, or other Property, for and in respect of which he, she, or they shall have been rated or assessed by virtue of this Act, such Person or Persons shall be

Apportionment on change of Tenants.

be liable to pay a Portion of the Rates or Assessments to which such Person or Persons would have been subject or chargeable in case he, she, or they had not removed from or quitted the same, in proportion to the Time he, she, or they shall have continued to occupy the same; and in all Cases where any Person or Persons shall enter into the Occupation of any House, Building, or other Property liable to be rated by virtue of this Act, out of or from which any other Person or Persons who shall have been rated or assessed for the same shall have removed, or which at the Time of making such Rates or Assessments was or were empty or unoccupied, the Person or Persons so entering into the Occupation of the same shall be liable to pay a Portion of such Rates or Assessments, in proportion to the Time during which he, she, or they shall occupy the same, in like Manner as if he, she, or they had been originally rated or assessed for such House, Building, or other Property; all which respective Portions, in case of Dispute, shall be settled and ascertained by the said Commissioners, or any Justice of the Peace acting in or for the said West Riding, on the Application of any Parties interested therein.

Power of  
Recovery of  
Rates.

CIX. And be it further enacted, That if any Person or Persons shall neglect or refuse to pay any Sum or Sums of Money on him, her, or them respectively rated or assessed by virtue of this Act, to the Collector or Collectors for the Time being of such Rates or Assessments, to be appointed by the said Commissioners, for the Space of Seven Days next after a Personal Demand made thereof by such Collector or Collectors, or any of them, or a Demand in Writing under the Hand or Hands of any such Collector or Collectors, left at the last or usual Place or Places of Abode of such Person or Persons, or on the Premises for which such Person or Persons shall be rated or assessed, or any Part thereof, then and in every such Case it shall be lawful for such Collector or Collectors, or any of them, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the said West Riding (which Warrant or Warrants the said Justice or Justices is and are hereby authorized and required to grant, upon due Proof on Oath, or Confession made before him or them of the Demand and Nonpayment of such Rates or Assessments), with the Assistance of some Constable or other Peace Officer, to enter into any Dwelling Houses, Buildings, Lands, Tenements, or Hereditaments, in the Occupation of the Person or Persons so neglecting or refusing to pay such Rates or Assessments, and there or elsewhere to distrain the Goods and Chattels of such Person or Persons, and the Goods and Chattels so taken to impound, keep, and detain; and if the full Amount of the Monies so distrained for shall not be paid within Seven Days next after such Distress being made, together with the Costs and Charges incurred about the same, then such Collector or Collectors is and are hereby authorized to sell the Goods and Chattels so distrained, or such Part or Parts thereof as will be sufficient to pay the said Rates or Assessments, together with the Costs and Charges of the said Warrant, and of making, keeping, and selling such Distress, returning the Overplus (if any) of the Money arising by such Sale to the Owner or Owners of such Goods and Chattels on Demand; and in case sufficient Goods and Chattels belonging to such Owner or Owners to make Payment of such Rates and Assessments, and such Costs and Charges as aforesaid, cannot be found, and the same or any Part thereof shall remain unpaid, then and in every such Case it shall be lawful to and for the said Commissioners to  
recover

recover any such Rates or Assessments by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, or more than One Imparance, shall be allowed.

CX. And whereas it may happen that many Persons liable to and who may be rated and assessed under this Act may, before the Payment of the Sum which may be rated on them respectively, quit and leave their Grounds, Dwelling Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, and remove out of the said Town of *Barnsley*; be it therefore further enacted, That when any Person or Persons who hath or have been so rated and assessed shall quit or be about to quit his, her, or their Lands, Grounds, Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, before he, she, or they shall have paid such Rate or Rates, Assessment or Assessments, as may be then due, and shall refuse to pay the same when demanded by the Collector or Collectors authorized and appointed by virtue of this Act to receive the same, then and in every such Case it shall be lawful for the said Collector or Collectors, or any one of them (Oath or Affirmation having been made by him or them before some Justice of the Peace for the said West Riding that he or they hath or have Cause to suspect that such Person or Persons is or are removing, or hath or have removed his, her, or their Goods and Chattels), by Warrant under the Hand and Seal or Hands and Seals of any one or more of His Majesty's Justices of the Peace in and for the said West Riding, which Warrant such Justice or Justices is or are hereby authorized and required to grant immediately; and in case such Person or Persons shall have removed, such Warrant being backed and countersigned by some Magistrate of the County, Riding, City, or Liberty to which such Person or Persons shall have removed (which Warrant such Magistrate is hereby required to back or countersign), to distrain the Goods and Chattels of such Person or Persons so refusing or neglecting to pay the said Rates or Assessments, or any of them, and to sell the same, rendering the Overplus (if any), after having deducted the reasonable Costs, Charges, and Expences attending such Distress and Sale, upon Demand to the Owner or Owners of such Goods and Chattels respectively.

Recovery of Rates from Persons removing.

CXI. And for the more effectual levying the Money rated and assessed for the several Purposes of this Act, be it further enacted, That the Goods and Chattels of any Person or Persons rated or to be rated under this Act, and neglecting or refusing to pay the Sum or Sums of Money by him, her, or them respectively payable as aforesaid, shall and may be distrained in manner by this Act directed, not only in the Town or Place where such Rate or Assessment was made, but at any other Place, if the said Goods have been removed out of the said Township, or are the Property of Landlords who have compounded; and if such sufficient Distress cannot be found within the same Riding, then upon Oath or Affirmation thereof made before One or more Justice or Justices of the Peace of any other County, City, Riding, Liberty, or Place; (which Oath or Affirmation shall be by him or them certified by Indorsement on the Warrant made out for such Distress of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay), then the Goods and Chattels of such Person or

Goods may be followed into any other County or Riding.

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Persons

Persons shall be subject and liable to such Distress and Sale in such other County, Liberty, or Place where the same shall be found, and may by virtue of such Warrant or Certificate be distrained in the same Manner as if the same had been found within the said Town of *Barnsley*.

Persons  
aggrieved  
may appeal  
against Rate.

CXII. And be it further enacted, That if 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, having first paid such Rate or Assessment, shall or may apply for Relief in the Premises to the said Commissioners, at their First or Second Meeting to be holden next after he, she, or they shall have paid the same; 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; and if any Person or Persons shall be dissatisfied with the Order or Determination of the said Commissioners thereupon, then such Person or Persons may appeal against such Order or Determination to the General Quarter Sessions of the Peace for the said West Riding of the County of *York*, or some Adjournment thereof, within the Time and in manner hereinafter directed in that Behalf.

Rates may  
be inspected,  
and Copies  
thereof de-  
manded.

CXIII. And be it further enacted, That Duplicates of all Rates and Assessments made and assessed by virtue of this Act shall be deposited with the Clerk or Clerks of the said Commissioners, who shall permit any Person rated by virtue of this Act, or any Creditor on any of the said Rates or Assessments, to inspect the same at all seasonable Times upon Payment of One Shilling each Time; and such Clerk or Clerks shall within Seven Days after Demand deliver a true Copy of such Rates or Assessments, or any of them, or any Part thereof, to any Person rated as aforesaid, or any such Creditor on the said Rates, being first paid for the making of such Copy after the Rate of Sixpence for every Seventy-two Words or Figures thereof.

Power to  
mortgage  
Rates.

CXIV. And for the more speedily enabling the said Commissioners to discharge the Costs, Charges, and Expences of and attending and incident to the obtaining and passing of this Act, and executing the several Powers therein contained; be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, when and so often as they shall think it expedient, to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the Whole the Sum of Two thousand Pounds upon the Credit of the said Rates or Assessments hereby authorized to be made and collected, under the Name and by the Description of "The Lighting and Watching Rate;" and by any Writing or Writings under the Hands and Seals of the said Commissioners, or any Three or more of them, to mortgage, grant, or assign the same last-mentioned Rates or Assessments, or any Part or Parts thereof, to the Person or Persons who shall advance or lend such Money, or to his, her, or their Trustee or Trustees, as a Security or Securities for the Money so to be borrowed, together with lawful Interest for the same; and also from Time to Time, when and so often as they shall think it expedient, to borrow and take up at Interest any further Sum or Sums of Money, not exceeding in the Whole the Sum of Three thousand five hundred Pounds, upon the  
Credit

Credit of the said Rates or Assessments hereby authorized to be made and collected, under the Name and by the Description of "The Public Improvement Rate;" and by any Writing or Writings under the Hands and Seals of the said Commissioners, or any Three or more of them, to mortgage, grant, or assign the same last-mentioned Rates or Assessments, or any Part or Parts thereof, to the Person or Persons who shall advance or lend such Money, or to his, her, or their Trustee or Trustees, as a Security or Securities for the Monies so to be borrowed, together with lawful Interest for the same; and the Charges and Expences of such Security or Securities respectively shall be from Time to Time defrayed by the said Commissioners out of the Money so borrowed, and every such Mortgage or Security shall be in the Words or to the Effect following; (that is to say),

BY virtue of an Act passed in the Third Year of the Reign of King George the Fourth, intituled [*here set forth the Title of this Act*], we, whose Names and Seals are hereunto subscribed and set, being of the Commissioners acting in the Execution of the said Act, in consideration of the Sum of \_\_\_\_\_ advanced and lent by \_\_\_\_\_ upon the Credit and for the Purposes in the said Act set forth, and paid by him [*or, her or them, as the Case may be*] to the Treasurer of the said Commissioners, do hereby grant and assign unto the said \_\_\_\_\_ [*or, to his, her, or their Trustee or Trustees, as the Case may be*], his [*her, or their*] Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments authorized by the said Act to be raised, levied, and collected, under the Name and by the Description of "The Lighting and Watching Rate," [*or, "The Public Improvement Rate," as the Case may be*], as the said Sum of \_\_\_\_\_ doth or shall bear to the whole Sum to be borrowed upon the Credit of the same Rates or Assessments, to be had and holden from the Day of the Date of these Presents, until the said Sum of \_\_\_\_\_ with Interest for the same, after the Rate of \_\_\_\_\_ *per Centum per Annum* shall be fully paid and satisfied. In Witness whereof we have hereunto set our Hands and Seals, the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord

Form of  
Mortgage.

And all such Mortgages or Securities shall be numbered, commencing with Number One, and so proceeding in an arithmetical Progression ascending, whereof the common Exception and Difference shall always be One; and every such Mortgage or Security shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment thereof.

CXV. Provided always, and be it further enacted, That in case the said Commissioners shall think it advisable and more advantageous to raise all or any Part of the said several Sums of Two thousand Pounds and Three thousand five hundred Pounds, herein-before authorized to be raised by granting of Annuities for Life or Lives, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by Writing under the Hands and Seals of any Three or more of them, to grant an Annuity or Annuities to any Person or Persons who shall advance and pay into the Hands of the Treasurer or Treasurers to the said Commissioners such Sum or Sums of Money as to the said Commissioners shall seem right and proper, for the absolute Purchase of any Annuity or Annuities,

Power to  
raise Money  
by Annuity.

ties, to be paid or payable during the natural Life or Lives of every such Person or Persons, or the Life or Lives of any Nominee or Nominees of such Person or Persons, either with or without Benefit of Survivorship, so that no such Annuity do exceed the Rates herein-after mentioned; and the Expences of every such Grant or Annuity shall be defrayed by the said Commissioners out of the Money so advanced, and the Grant of every such Annuity shall be in the Words or to the Effect following; (that is to say),

Form of  
Annuity.

WE of the Commissioners appointed by or in pursuance of an Act passed in the Third Year of the Reign of His Majesty King George the Fourth, intituled *An Act* [*here set forth the Title of this Act*], in consideration of the Sum of \_\_\_\_\_ paid by \_\_\_\_\_ [or, if intended to be granted with Benefit of Survivorship, by] \_\_\_\_\_ to the Treasurer of the said Commissioners for the Purposes in the said Act set forth, do hereby grant unto the said \_\_\_\_\_ and his Assigns [or, if by Survivorship, unto the said \_\_\_\_\_ and to the Survivor and Survivors of them], an Annuity or yearly Sum of \_\_\_\_\_ to be paid out of the Rates or Assessments authorized to be raised and collected by virtue of the said Act, under the Name and by the Description of "The Lighting and Watching Rate" [or, "The Public Improvement Rate," as the Case may be], which Annuity or yearly Sum of \_\_\_\_\_ shall be paid to the said \_\_\_\_\_ or his [her, or their] Assigns, during the Term of his [or her] natural Life [or, if by Survivorship, unto and among them the said \_\_\_\_\_ and the Survivor and Survivors of them], by \_\_\_\_\_ equal \_\_\_\_\_ Payments, upon the \_\_\_\_\_ Day of \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ and the \_\_\_\_\_ Day of \_\_\_\_\_ in every Year; and the first \_\_\_\_\_ Payment thereof to be made upon the \_\_\_\_\_ Day of \_\_\_\_\_ next ensuing the Date of these Presents. In Witness whereof we have hereunto set our Hands and Seals, the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

And every such Grant shall be good, valid, and effectual in the Law, any Law or Statute to the contrary thereof notwithstanding; and all Annuities to be granted as aforesaid shall be and are hereby charged upon, and shall be paid and payable, free from all Charges and Deductions, by the Treasurer or Treasurers to the said Commissioners for the Time being, out of such of the said Rates or Assessments hereby authorized to be raised and collected, as in such Grant shall be mentioned and set forth.

Restriction  
as to Grants  
of Annuities.

CXVI. And for preventing any improvident Grants of Annuities under this Act, be it further enacted, That no Annuity shall be granted by virtue of this Act for any single Life at any higher Rate than the following; (that is to say), when the Age of the Annuitant or Person for whose Life the Annuity shall be granted shall not exceed Thirty-five Years, the Annuity to be granted shall not exceed the Rate of Eight Pounds Three Shillings for each Hundred Pounds of the Consideration Money paid for the Purchase thereof; when the Age of such Person shall not exceed Forty Years, the Annuity to be granted shall not exceed the Rate of Eight Pounds Ten Shillings for each Hundred Pounds of such Consideration Money; when the Age of such Person shall not exceed Forty-five Years, the Annuity shall not exceed the Rate of Nine Pounds for each \_\_\_\_\_



each Hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Fifty Years, the Annuity shall not exceed the Rate of Nine Pounds Twelve Shillings for each Hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Fifty-five Years, the Annuity shall not exceed the Rate of Ten Pounds Eight Shillings for each Hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Sixty Years, the Annuity shall not exceed the Rate of Eleven Pounds Eight Shillings for each Hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Sixty-five Years, the Annuity shall not exceed the Rate of Twelve Pounds Seventeen Shillings for each Hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Seventy Years, the Annuity shall not exceed the Rate of Fifteen Pounds One Shilling for each Hundred Pounds of the Consideration Money; and when the Age of such Person shall not exceed Seventy-five Years, the Annuity shall not exceed the Rate of Eighteen Pounds Ten Shillings for each Hundred Pounds of the Consideration Money.

CXVII. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money to be borrowed on legal Interest as aforesaid, or to be raised by the granting of Annuities as aforesaid, and their respective Executors, Administrators, and Assigns (as the Case may be), at any Time or Times, by Writing under their respective Hands and Seals, to transfer such Securities to any Person or Persons whomsoever, and every such Transfer may be in the Words or to the Effect following; (that is to say),

Power of transferring Mortgages and Grants of Annuities in a prescribed Form.

I    being entitled to the Sum of  
 I    [or, and an Annuity of    ] secured to me, my  
 Executors, Administrators, and Assigns, by virtue of an Assignment  
 [or, Grant of an Annuity or Assignment of the original Grant, &c. as  
 the Case may be], bearing Date the    Day of  
 under the Hands and Seals of    of the Commissioners,  
 acting in Execution of an Act passed in the Third Year of the Reign  
 of King George the Fourth, intituled [here set forth the Title of this Act],  
 upon the Credit of the Rates or Assessments authorized to be raised  
 and collected by virtue of the said Act, under the Name and by the  
 Description of "The Lighting and Watching Rate," [or, "The Public  
 Improvement Rate," as the Case may be], do hereby transfer all my  
 Right and Title in and to the same Sum [or Annuity], and all Interest  
 and other Money now due and arising thereon, unto  
     his Executors, Administrators, and Assigns. Dated  
 the    Day of    in the Year of our  
 Lord

Form of Transfer.

CXVIII. And be it further enacted, That the several Persons to whom any such Mortgages, or any such Grants of Annuities shall have been made, shall be severally entitled to their respective Quota of the said Rates and Assessments respectively, in proportion to the annual Amount of the Interest of the Monies borrowed on Mortgage, and the annual Amount of the said Annuities, without any Preference by reason of the Priority in Date of any such Mortgage or Grant, or on any other Account whatsoever.

No Preference in the Payment of Mortgages or Annuities.

Register  
Book to be  
kept.

CXIX. And be it further enacted, That a Book shall be provided by the said Commissioners, and kept by their Clerk or Clerks, in which Book shall be entered and registered Copies of all Mortgages and Grants of Annuities made in pursuance of this Act, and of every Transfer thereof, which Book shall be open to the Inspection of the several Holders of Mortgages and Grants of Annuities made by virtue of this Act, and the Transfers thereof, and their respective Executors, Administrators, and Assigns, at all reasonable Times, without Fee or Reward; and for the Entry of every such Transfer, the Clerk or Clerks shall be paid, by the Person or Persons to whom such Transfer shall be made, the Sum of Four Shillings, and no more; and every such Transfer, after such Entry as aforesaid, but no before, shall entitle the Person to whom the Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

Provision for  
Payment of  
Mortgages  
by Ballot.

CXX. And in order that no undue Preference may be given in paying off the aforesaid Mortgages, be it further enacted, That when and so often as the said Commissioners shall think it expedient to pay off One or more of the said Mortgages, they shall cause the several Numbers of all the Mortgages granted and then in force to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Form, and be put into a Box, and the Clerk or Clerks of the said Commissioners shall, in the Presence of Five or more of the said Commissioners, draw separately out of the said Box One of the said Numbers for each Mortgage then intended to be paid off by the said Commissioners, and thereupon the Mortgage or Mortgages corresponding with the Number or Numbers which shall be so drawn shall be accordingly paid off by the said Commissioners; and after every such Ballot the said Commissioners shall cause Notice, signed by their Clerk or Clerks, to be given to the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot, which Notice shall express the principal Sum to be paid off, and that the same will be paid, together with Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Three Months from the Date of giving such Notice; and the Interest of the principal Money to be paid off shall, from and after the End of the said Three Calendar Months, cease and be no longer paid or payable, unless the Money shall be demanded pursuant to such Notice, and not paid; but the principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the End of the said Three Calendar Months, shall nevertheless be payable on Demand.

Application  
of Paving  
Rate.

CXXI. And be it further enacted, That all the Monies which shall hereafter be raised by virtue of this Act, from and by the several Rates and Assessments herein-before authorized to be assessed and levied, under the Name and by the Description of "The Paving Rate," shall be and the same are hereby vested in the said Commissioners; and the same shall from Time to Time, and at all Times, be paid, applied, and disposed of, by and under the Orders of the said Commissioners, in and for the paying and defraying the Charges and Expences of paving, flagging, repairing, amending, cleansing, widening, fencing, and improving the Streets, Lanes, Roads, and other public Paths and Passages within the Limits of this Act; and the present and future Tunnels, Gutters, Sinks, Drains,  
Sewers,

Sewers, and Watercourses in or belonging thereto, and to and for no other Use, Intent, or Purpose whatsoever.

CXXII. And be it further enacted, That all the Monies which shall be raised by virtue of this Act from and by the Rates and Assessments herein-before authorized to be assessed and levied under the Name and by the Description of "The Lighting and Watching Rate," and all the Monies which shall be borrowed on Mortgage of the same Rates and Assessments, or received from the Sale of Annuities to be granted out of the same, and all the Monies which are herein directed to be applied to the general Purposes of this Act, in regard to the Disposal of which no specific Directions are herein given, shall be and the same are hereby vested in the said Commissioners, and the same shall from Time to Time, and at all Times, be paid, applied, and disposed of by and under the Order of the said Commissioners, in manner following; (that is to say), in the first Place, in paying and defraying the Costs, Charges, and Expences of applying for or incident to the obtaining and passing of this Act, and of lighting, watching, and regulating the Streets, Lanes, Roads, Passages, and other public Places within the said Town, in the Manner hereby directed, and all other Costs, Charges, and Expences relating or incident to the Execution of this Act, and the Powers and Authorities hereby given and granted to the said Commissioners, and in and for paying the annual Interest of the principal Monies to be borrowed on the Credit of such Rates and Assessments, and all Annuities which may be granted thereon by virtue of this Act, and in and for paying off the principal Monies to be borrowed as last aforesaid, and in and for carrying the Intents and Purposes of this Act into full and complete Execution in other Respects, or in or for any of the aforesaid Purposes, and for no other Use, Intent, or Purpose whatsoever: Provided always, that in case any Person or Persons shall advance or lend, or pay any Money for or towards defraying the Expences of applying for and obtaining this Act, such Person or Persons shall be repaid such Money, with lawful Interest for the same, from the respective Times of advancing and lending the same, out of the Money which shall be first raised under and by virtue of this Act: Provided nevertheless, that no Part of the Monies which shall come to the Hands of the Commissioners by virtue of this Act, under the Name or by the Description of "The Lighting and Watching Rate," shall be disposed of or applied in defraying the Expences of paving, flagging, repairing, amending, fencing, and improving the Streets, Lanes, Roads, or other public Paths or Passages within the said Town, or any Part of the Purchase Money, or the Costs, Charges, and Expences to be incurred in or about or incident to the purchasing of any Messuages, Cottages, Buildings, Lands, or Tenements specified in the said Schedule annexed to this Act, for the Purposes of widening or improving any Street, Lane, Road, Passage, or other public Place within the said Town.

Application  
of Lighting  
and Watching  
Rate.

CXXIII. And be it further enacted, That all the Monies which shall be raised by virtue of this Act from and by the several Rates and Assessments herein-before authorized to be assessed and levied, under the Name and by the Description of the "The Public Improvement Rate," and all the Monies which shall be borrowed on Mortgage of the same Rates and Assessments, or received from the Sale of Annuities to be granted out of the same, shall be and the same are hereby vested in the said

Application  
of the public  
Improve-  
ment Rate.

Commis-

Commissioners, and the same shall from Time to Time, and at all Times, be paid, applied, and disposed of by and under the Orders of the said Commissioners, in and for paying the Purchase Monies for, and the Costs, Charges, and Expences of and attending or incident to, the purchasing of any Messuages, Cottages, Buildings, Lands, Tenements, or Hereditaments for the Purpose of widening or otherwise improving any Street, Lane, Road, Passage, or other public Place within the said Town, and in and for paying the annual Interest of the principal Monies, to be borrowed on the Credit of such Rates and Assessments, and all Annuities which may be granted thereon by virtue of this Act, and in and for paying off the principal Monies to be borrowed as last aforesaid, and for no other Use, Intent, or Purpose whatsoever.

Treasurer  
not to pay  
without an  
Order.

CXXIV. And be it further enacted, That all Monies whatsoever which shall be raised and collected by Order of the said Commissioners by or from any of the aforesaid Rates or Assessments, or which shall be by them borrowed on Mortgage, or received on the Sale of Annuities for the Purposes of this Act, or which shall be otherwise payable to them under any of the Provisions of this Act, shall from Time to Time be paid into the Hands of the Treasurer or Treasurers of the said Commissioners for the Time being; and no Sum or Sums of Money shall be disbursed or paid by such Treasurer or Treasurers of the said Commissioners, on Behalf or on the Account of the said Commissioners, without an Order in Writing, signed at a Meeting of the said Commissioners to be held in pursuance of this Act, by the Chairman of such Meeting for the Time being.

Process on  
laying Infor-  
mations of  
Offences.

CXXV. And be it further enacted, That the Surveyors, Collectors, and Assessors for the Time being of the said Commissioners, shall and they are hereby respectively directed and expressly enjoined to search for and enquire and examine into, and also upon any Complaint to be made by any Inhabitant of the said Town forthwith personally to view and inspect all Nuisances, Annoyances, Obstructions, and other Offences done, committed, or suffered within the said Town, contrary to any of the Provisions of this Act, and thereupon to lay an Information or Informations against the Offender or Offenders before any Justice or Justices of the Peace for the said West Riding, in order that such Offender or Offenders may be dealt with for the same according to the Powers and Provisions of this Act; and if any such Surveyor, Collector, or Assessor shall wilfully neglect or refuse to search for and enquire and examine into such Nuisances, Annoyances, Obstructions, or other Offences as aforesaid, or after any such Complaint made to him as aforesaid personally to view or inspect the Matters of such Complaint, or shall neglect or refuse to lay any such Information or Informations against any such Offender or Offenders as aforesaid, then and in every such Case such Surveyor, Collector, or Assessor so refusing or neglecting, shall forfeit and pay for every such Refusal or Neglect any Sum not exceeding the Sum of Five Pounds.

Recovery  
and Appli-  
cation of  
Penalties.

CXXVI. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act, or by or under any Bye Law, Rule, Order, or Regulation to be made in pursuance or by the Authority of this Act, are or shall be subject to or punishable with any pecuniary Penalties,  
Fines,

Fines, or Forfeitures, for the Recovery of which no express Provision is herein-before made, shall and may in every Case be heard, adjudged, and determined by or before any Justice or Justices of the Peace in and for the said West Riding in a summary Way, upon Information or Complaint made and exhibited in Writing (and which shall in every Case be made and exhibited within Three Calendar Months at farthest next after the committing of such Offences respectively, and not afterwards); and upon any such Information or Complaint as aforesaid, the said Justice or Justices shall examine into the Matter thereof, and if upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses, the Party or Parties accused shall be convicted of having committed such Offence or Offences, then and in every such Case the Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, hereby made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justice or Justices, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then the same shall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any such Justice or Justices (which he and they is and are hereby empowered and required to grant), be levied and recovered, together with the Costs of Conviction and Recovery thereof, to be ascertained by such Justice or Justices by Distress and Sale of the Goods and Chattels of such Offender or Offenders, wherever such Goods and Chattels can be found, rendering the Overplus of the Money arising by such Sale (if any) to the Party or Parties whose Goods or Chattels shall be so distrained; one Moiety of which Penalties, not herein directed to be otherwise applied, shall be paid to the Informer, and the other Moiety shall be paid to the Treasurer or Treasurers of the said Commissioners for the Time being, to be applied for the general Purposes of this Act; and it shall and may be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had, whereupon to levy the said Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, then it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the House of Correction for the said West Riding, there to remain without Bail or Mainprize for any Time not exceeding Three Months, or until such Offender or Offenders shall have fully paid such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law.

Mitigation of Penalties.

CXXVII. Provided also, and be it further enacted, That it shall be lawful for the Justice or Justices of the Peace by or before whom any Party or Parties shall be convicted in any of the Penalties, Fines, or Forfeitures imposed or to be imposed by virtue of this Act, or of any Bye Law, Rule, Order, or Regulation to be made in pursuance or under the Authority of this Act, from Time to Time to mitigate, compound, or lessen any of the said Penalties, Fines, or Forfeitures, in any Case where it shall appear to any such Justice or Justices right and proper so to do, so that no such Penalty, Fine, or Forfeiture shall be thereby reduced in any Case to less than Two-third Parts of the Amount specified or to be specified in this Act, or in the Bye Law, Rule, Order, or Regulation imposing the same as aforesaid.

For securing transient Offenders.

CXXVIII. And be it further enacted, That it shall and may be lawful for any of the said Commissioners, or their Collectors, Surveyors, or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Commissioners, Collectors, Surveyors, or Officers) who shall commit any Offence or Offences against this Act, and deliver him, her, or them into the Custody of any Peace Officer, in order to be secured and conveyed before any Justice or Justices of the Peace for the said West Riding, near to the Place where the Offence or Offences shall be committed; and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

CXXIX. And for the more easy Conviction of Offenders against this Act, or against any Bye Law, Rule, Order, or Regulation to be made in pursuance or by the Authority of this Act, be it further enacted, That a Conviction in the Form or to the Effect following shall be good, without alledging more than the Substance of the Offence; (that is to say),

Form of Conviction.

West Riding of the County of York, } BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_  
 to wit. } \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_  
 is [or are, as the Case may be] convicted before me [or us, as the Case may be] \_\_\_\_\_ of His Majesty's Justices of the Peace for the said Riding, of having [here state the Offence, and the Time and Place when and where the same was committed] contrary to an Act of Parliament [or, contrary to a Bye Law duly made in pursuance of an Act of Parliament, as the Case may be] passed in the Third Year of the Reign of His Majesty King George the Fourth, intituled [here set forth the Title of this Act] for which Offence I [or we, as the Case may be] do adjudge the said \_\_\_\_\_ to have forfeited the Sum of [here state the Amount of the Penalty, Fine, or Forfeiture for the Offence] according to the said Act of Parliament [and in any Case where the Justice or Justices may see Cause to mitigate the Penalty, here insert, and I or we, the said Justice or Justices, seeing Cause to mitigate and lessen the said Penalty, do, according to the Provisions of the said Act of Parliament, mitigate and lessen the same to the Sum of \_\_\_\_\_]; which said Sum of [here insert the Amount of the Penalty or mitigated Penalty, as the Case may be] is to be distributed and applied in manner following; that is to say, one \_\_\_\_\_ thereof to the Use of the Commissioners for putting the \_\_\_\_\_ said

‘said Act into Execution, and the other thereof to the Use of A. B. [here name the Informer], according to the Provisions of the said Act of Parliament. Given under my Hand and Seal [or, our Hands and Seals, as the Case may be] the Day and Year first above written.’

CXXX. And be it further enacted, That if any Person shall be summoned as a Witness to give Evidence before any Justice or Justices of the Peace, touching any Matter contained in any Information or Complaint for any Offence against this Act, or against any such Bye Law, Rule, Order, or Regulation as aforesaid, either on behalf of the Prosecution, or on behalf of the Person or Persons accused, and shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his or her Costs and Expences, without a satisfactory Excuse being given for such Non-appearance, or appearing shall refuse to be examined upon Oath or Affirmation, or to give Evidence touching the Matter in question before such Justice or Justices, then and in every such Case every such Person so offending shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds, to be recovered as herein-before mentioned.

Witnesses may be summoned.

CXXXI. And be it further enacted, That in all Cases where the Provisions of this Act direct or require the Oath or Affirmation of any Witness or Witnesses to be had or taken in any Proceeding or Proceedings before any Justice or Justices of the Peace, it shall be lawful for any Justice or Justices of the Peace, and he and they is and are hereby respectively authorized and required, to administer such Oath or Affirmation.

Justices may administer Oaths, &c.

CXXXII. And be it further enacted, That no Person shall be disqualified from being a competent Witness, and being admitted to give Evidence in any Informations, Prosecutions, Appeals, Causes, or Proceedings whatsoever, relating to the Execution of this Act, or any Bye Law, Order, or Determination made in pursuance thereof, by reason of paying or being charged with or liable to pay any of the Rates or Assessments hereby authorized to be made, or any other Rate or Assessment within the said Town, or being one of the Commissioners for putting this Act into Execution, or holding any Office under the said Commissioners.

Persons paying Rates, &c. may be Witnesses.

CXXXIII. 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 shall the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect of Form in any Proceeding relating thereto, nor a Trespasser or Trespassers *ab initio* on account of any subsequent Irregularity in the prosecuting of such Distress, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for special Damages in an Action upon the Case.

Distresses not to be avoided for Want of Form.

CXXXIV. And be it further enacted, That no Justice of the Peace shall be disqualified from acting as a Justice in any Case whatsoever in the Execution of this Act only by reason of his being one of the said Commissioners for the Time being, or being an Inhabitant of the said

Justices not disqualified from acting by being Commissioners, &c.

Town,

Town, or being rated or liable to be rated to any of the Rates or Assessments to be made by virtue of this Act, or any other Rate or Assessment within the said Town.

Proceedings  
not to be  
quashed nor  
removed by  
Certiorari.

CXXXV. And be it further enacted, That no Order, Verdict, Rate, Assessment, Judgment, Conviction, or other Proceeding, touching or concerning any Offence against this Act, or against any such Bye Law as aforesaid, or any other of the Matters aforesaid, 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*, or elsewhere; any Law or Statute to the contrary thereof in anywise notwithstanding.

Plaintiff not  
to recover  
without  
Notice, or  
after Tender  
of Amends.

CXXXVI. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Party for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff recover in any 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, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of  
Actions.

CXXXVII. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against the said Commissioners, or any of them, or any other Person or Persons, for any thing done or to be done in pursuance or under the Authority of this Act, after the Expiration of Three Calendar Months next after the Fact committed; and all such Actions and Suits shall be laid and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Suit shall be so brought was done in pursuance and by the Authority of this Act; and if upon such Trial such Matter or Thing shall appear to have been so done, or if such Action or Suit shall have been brought before Twenty-one Days Notice shall have been given, or after sufficient Satisfaction shall have been made or tendered as aforesaid, or after the Time herein-before limited for bringing the same, or if the same shall be brought in any other County or Place than as aforesaid, then and in any of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict being given, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of such Action or Suit after the Defendant or Defendants shall have appeared thereto, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the  
Defendant

General  
Issue.



Defendant or Defendants shall have Treble Costs, and shall have such and the like Remedy for recovering the same, as any Defendant hath for recovering Costs of Suit in any other Cases by Law. Treble Costs.

CXXXVIII. And be it further enacted, That in all Cases of Notices, Summonses, or Demands in Writing, directed or required by this Act to be given or served, or which shall or may be necessary for carrying into Execution any of the Powers of this Act, the Service of any such Notices, Summonses, or Demands, by delivering the same, or a true Copy thereof, to the Person or Persons to whom the same ought to be given, or by leaving the same, or a true Copy thereof, at his, her, or their Dwelling House, or usual or last Place of Abode, shall be a good and sufficient Service thereof (except only in Cases where personal Service is herein-before expressly required). Directions as to Service of Notices, &c.

CXXXIX. And be it further enacted, That by and out of the Monies to be raised and received by virtue of this Act, the Costs, Charges, and Expences of obtaining and passing this Act, and incident thereto, and the Interest of the Money which shall have been advanced for those Purposes, shall in the first Place be paid and discharged. Expences of this Act.

CXL. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment made and assessed under or by virtue of this Act, or by any Determination or Judgment made or given by any Justice or Justices of the Peace in pursuance of this Act, or by any Order, Regulation, Bye Law, or Rule made by virtue of this Act, or by any other Matter or Thing made or done by the said Commissioners, or otherwise in pursuance of this Act (except in Cases where the Verdicts or Inquisitions of Juries are directed to be taken), he, she, or they may, within Three Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at some General Quarter Sessions of the Peace, or some Adjournment thereof, to be holden for the said West Riding, or other the County or Place where the Cause or Matter of Appeal shall arise, the said Party or Parties, Appellant or Appellants, having given at least Fourteen clear Days Notice in Writing of his, her, or their Intention of making such Appeal, and of the Matter and Cause thereof, to the Party or Parties against whom such Appeal shall happen to be made, or whose Interest may be affected by such Appeal, except where the Appeal shall be made against any such Rate or Assessment as aforesaid, or against any other Act, Matter, or Thing made or done by the said Commissioners, or by any Justice or Justices of the Peace, and then to the Clerk or Clerks of the said Commissioners, and within Five Days next after such Notice, causing a Recognizance to be entered into before some Justice of the Peace of the said West Riding, by Two sufficient Persons in the Sum of Ten Pounds each, conditioned for the Party or Parties, Appellant or Appellants, to try such Appeal, and abide the Order and Award of the Justices at such Sessions thereon, and to pay such Costs as shall be awarded at such Sessions; and thereupon the Justices present at any such Sessions, upon due Proof upon Oath of such Notice and Recognizance having been given and entered into as aforesaid, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way; and the said Justices shall have Power to award such Restitution, Damages, and Costs to the Party or Parties appealing Appeal to Quarter Sessions.

[Local.]

9 K.

or

or prosecuting such Appeal, or such Costs to the Respondent or Respondents, or Party or Parties defending such Appeal, as the said Justices shall think proper; and all such Orders and Determinations of the said Justices at such Sessions shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Justices on Appeal may alter and quash Rates.

CXLI. Provided always, and be it further enacted, That on any Appeal from or against any Rate or Assessment, to be made in pursuance of or for any of the Purposes mentioned in this Act, the Justices of the Peace at such General Quarter Sessions of the Peace to which such Appeal shall happen to be made shall and may alter and amend any such Rate or Assessment, in such Manner as they shall think necessary for giving Relief to any Party or Parties injured or aggrieved thereby, without quashing or altering such Rate or Assessment with respect to any other Persons mentioned in the same; but if upon any such Appeal it shall by such Justices be thought necessary to set aside the whole Rate or Assessment, then and in such Case it shall be lawful for such Justices so to do, and to order a new Rate or Assessment to be made in the Manner herein-before directed.

Saving of Rights.

CXLII. Provided always, and be it further enacted, That nothing in this Act contained shall (except so far as Authority is expressly given by this Act) extend, or be construed or deemed or taken to extend, to affect, extinguish, defeat, abridge, impeach, annul, prejudice, or destroy the Right, Title, or Interest of the Most Noble *George William Frederick Duke of Leeds*, Lord of the Manor of *Barnsley*, or the Lord of the Manor of *Barnsley* for the Time being, of, in, or to the Seignories, Rights, Royalties, Charters, Franchises, Jurisdictions, Rents, Services, Liberties, Privileges, Powers, and Authorities appendant, appurtenant, incident, or belonging to the said Manor of *Barnsley*, or to any Rents, Tolls, Pickage, Stallage, Free Customs, Dues, Duties, Profits or Advantages, belonging, due, or in anywise appertaining to the said Duke of *Leeds*, Owner of the Fairs and Markets within the said Town of *Barnsley*, or the Owner or Owners of such Fairs and Markets for the Time being; but that the said Duke of *Leeds*, Lord of the said Manor, and the Lord of the said Manor for the Time being, shall (except as in this Act expressly excepted) have, hold, use, exercise, take, and enjoy all and every the Seignories, Rights, Royalties, Charters, Franchises, Pre-eminences, Jurisdictions, Rents, Services, Powers, Authorities, Liberties, Privileges, Advantages, and Emoluments whatsoever, to the said Manor belonging or incident, appendant, appurtenant, or usually exercised, holden, or enjoyed therewith; and the said Duke of *Leeds*, Owner of the said Fairs and Markets, and the Owner and Owners of the said Fairs and Markets for the Time being, shall and may demand, exact, take, and enjoy all such Rents, Tolls, Pickage, Stallage, Free Customs, Dues, Duties, Profits, and Advantages, with all Powers and Remedies for enforcing Payment thereof, in such and the like Manner, and as fully and beneficially to all Intents and Purposes, as if this Act had not been passed.

Public Act.

CXLIII. 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.

The SCHEDULE to which this Act refers.

Description of Property.	Owners.	Occupiers.
A Dwelling House, or Shop and Chambers	Thomas Headen	James Dow, M. D.
A Garden or Court Yard	Samuel Oxley, M. D.	James Dow, M. D.
A Piece of vacant Ground in or near the Market Place in Barnsley, the Scite of the late Moot Hall	Joseph Clarke John Clarke John Hopwood	Unoccupied.
A Dwelling House and Shops	Timothy Gibson	John Travis and William Eyre.
A Dwelling House and Shops	Thomas Bellamy	Augustine Allen and William Travis.
A Dwelling House, Warehouses and Shops	Joseph Hall	Godfrey Wentworth Wentworth, Robert Challinor, Thomas Rishworth, Thomas Rishworth junior, and Joseph Hall.
Two Shops and a Cellar	Joseph Hall	James Wood, Thomas Marshall, and Joseph Hall.
A Piece of vacant Ground in or near the Market Place in Barnsley	Joseph Hall Robert Richardson, Esq.	Edward Ridsdale.
Dwelling House, Bakehouse and Stable	Heirs of John Ellis	Henry Mark Machin.
Chamber	Ditto	William Truelove.
Smithy and Chambers	Ditto	George Stringer.
Cottage and Shop	John Addey and Joseph Addey	Matthew Bradley.
Cottage	Ditto	James Patrick.
Ditto	Ditto	Andrew Haigh.
Ditto and Stable	Ditto	Richard Haigh.
Yard and Outbuildings	Ditto	Matthew Bradley and Thomas Haigh.
Cottage	William Wells	Thomas Midgley.
Ditto	Ditto	Joseph Roebottom.
Ditto	Ditto	Joseph Tomlinson.
Ditto	Ditto	John Sena.
Ditto	Ditto	John Slater.
Ditto	William Cookes Mence	Abraham Woodcock.
Ditto	Ditto	Charles Ringrose.
Smithy or Shop	Heirs of John Ellis	George Coward.
A Part of a Garden	Joseph Oldroyd	Mrs. Dawes.
Ditto	John Hopwood	John Fletcher.
Frontstead	William Fenton	Charles Bray.
Garden or Court Yard	Francis Kendray	Francis Kendray.
Court Yard	Jonas Clarke	William Kershaw.
Two small Shops	William Kershaw	George Finney and Thomas Kershaw.
Cottage and Part of the Croft	Richard Pickering, M. D.	Robert Ibbotson.
Part of a Garden and Croft	George Mallison	George Mallison.
Part of a Croft	Benjamin Strutt	Benjamin Strutt.
Shop	John and Joseph Addey	David Crawshaw.

SCHEDULE—*continued.*

Description of Property.	Owners.	Occupiers.
Court Yards - - - - -	William Lawton and Thomas Ownsworth - -	Samuel Tudor and Olive Carter.
Ditto - - - - -	Thomas Frudd - - - -	Henry Fleetwood.
Part of a Croft - - - -	Misses Hawksworths - -	John Totty.
Dwelling House and Shop -	Robert Richardson, Esquire	Thomas Blackburn.
Dwelling House - - - -	Ditto - - - - -	Miss Mary Mence.
Ditto - - - - -	Ditto - - - - -	William Fletcher.
Cottage - - - - -	Ditto - - - - -	Mary Gibson.
Ditto - - - - -	Ditto - - - - -	Mary Horncastle.
Small Parcel of Land - -	Robert Richardson, Esquire	Mary Gibson and Mary Horncastle.
Part of a Garden - - - -	George Alletson - - - -	James Lister.
Part of a Garden, Yard, and Fold Yard - - - - -	Thomas Blackburn - - -	Joseph Mawer, Joseph Stocks Methley, and Thomas Blackburn.
Court Yard - - - - -	Misses Tyne - - - - -	Thomas Tyne.
Part of a Shop and Chamber	William Wyke senior - -	William Wyke junior.
Pantry - - - - -	Henry Tyne - - - - -	Joshua Horsfield.
Part of a Close - - - -	Samuel Oxley, M. D. - -	John Hopwood.
Part of a Fold or Yard - -	Jonas Clarke - - - - -	Benjamin Crawshaw.
Cottage - - - - -	Ditto - - - - -	Thomas Wyke.
Ditto - - - - -	Ditto - - - - -	George Goodyear.
Ditto - - - - -	Ditto - - - - -	Unoccupied.
Ditto - - - - -	Ditto - - - - -	James Wilson.
Outhouse - - - - -	Ditto - - - - -	James Haigh.
Yard or Fold - - - - -	Ditto - - - - -	David Fleetwood.
Cottage - - - - -	— Scholey - - - - -	Ditto.
Ditto - - - - -	— Scholey - - - - -	— Scholey.
		— Scholey.

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