



ANNO SEXTO

GEORGIIV. REGIS.

Cap. cxxx.

An Act for paving, cleansing, lighting, watching, and otherwise improving the several Streets, Lanes, public Passages and Places in the Borough of *Banbury* in the County of *Oxford*.

[10th June 1825.]

WHEREAS the Borough of *Banbury*, in the County of *Oxford*, is large and populous, and it would greatly tend to the Accommodation, Benefit, Convenience, and Safety of the Inhabitants of the said Borough, and of Persons resorting thereto and passing through the same, if the several Streets, Lanes, public Passages, and Places therein were well and sufficiently repaired, paved, cleansed, lighted, watched, regulated, and otherwise improved, and all Obstructions, Nuisances, and Annoyances removed, and for the future prevented throughout the said Borough; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords, Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Aplin, Benjamin Aplin, Richard Austin, Robert Brayne, Peter Bignell, John Barford, Charles Brickwell, Samuel Beesley, Timothy Cobb, Thomas Cobb, Timothy Rhodes Cobb, Richard Edmunds, Joseph Ashby Gillett, John Golby, Thomas Gardner, James Wake Golby, Samuel Gulliner, Samuel Grimby, Richard Griffin, Richard Heydon, James Hill, John Head, Simon Harrison,* Commissioners appointed.

[Local.]

40 P

Burrows

Burrows Mathias Kirby, the Reverend Thomas William Lancaster, William Milward, John Munton, Thomas Nasby, John Pain, John Golby Rusher, Thomas Rusher, William Spurrett, Thomas Scrivener, Timothy Sedgeley, Thomas Tims, Henry Tawney, William Walford, John West, Myrry Wilson, and John Wise, and their Successors, to be elected and appointed in manner herein-after directed, and being qualified in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for carrying this Act into Execution.

Qualification
of Commis-
sioners.

II. Provided nevertheless, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act during the Time he shall hold or enjoy any Office or Place of Trust or Profit under this Act, or be concerned in any Contract made by virtue or in pursuance of this Act, so far as shall in any way regard such Contract or his Interest under the same, or in any Case wherein he shall be in anywise personally or beneficially interested in any Matter in question (except as a Creditor on the Rates or Assessments herein-after mentioned), nor unless he shall be rated under this Act, and 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, situate either out of the said Borough, or partly within and partly out of the said Borough, of an Estate of Inheritance, or for a Life or Lives, or for a Term of Ninety-nine Years or upwards, either absolutely or determinable on any Life or Lives, of the yearly Value of Fifty Pounds above Reprizes; 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 five hundred Pounds; or 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 situate within the said Borough, of an Estate of Inheritance, or for a Life or Lives, or for a Term of Ninety-nine Years or upwards, either absolutely or determinable on any Life or Lives, of the yearly Value of Thirty Pounds above Reprizes; or shall be Heir Apparent of a Person seised of Lands or Tenements of Inheritance of the clear annual Value of Two hundred Pounds above Reprizes; nor (except in administering the Oath or Affirmation 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 and 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; (that is to say),

Oath.

‘ I *A. B.* do swear [*or being one of the People called Quakers, do*
‘ solemnly 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 Receipt and Enjoyment of the Rents and
‘ Profits of Messuages, Lands, Tenements, and Hereditaments, situate
‘ either out of the said Borough, or partly within and partly out of the
‘ said Borough, of an Estate of Inheritance [*or for a Life or Lives, or*
‘ *for a Term of Ninety-nine Years or upwards, either absolutely or*
‘ *determinable on a Life or Lives, as the Case may be*] of the clear yearly
‘ Value of Fifty Pounds above Reprizes and Incumbrances [*or possessed*
‘ of

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 five hundred Pounds, above the Payment of all my Debts; or, in the actual Enjoyment, Possession, and Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, situate within the said Borough, of an Estate of Inheritance, or for a Life or Lives, or for a Term of Ninety-nine Years or upwards, either absolutely or determinable on any Life or Lives, *as the Case may be*, of the yearly Value of Thirty Pounds above Reprizes; or, am Heir Apparent of a Person seised of Lands or Tenements of Inheritance of the clear yearly Value of Two hundred Pounds above Reprizes]; and that I will truly, faithfully, 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 Sixth 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 if any Person not being so qualified, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed the Oath or Affirmation, shall act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, with full Costs of Suit, to any Person or Persons who shall sue for the same 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 at Law, or more than one Imparlance, shall be allowed; and every Person so sued or prosecuted shall prove that he was at the Time of acting qualified, 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 acting as such Commissioner, though not duly qualified previously to his being convicted of any such Offence, shall be as valid and effectual, notwithstanding such Conviction, as if such Person had been qualified according to the Directions of this Act: Provided also, that it shall be lawful for such of the said Commissioners as may be Justices of the Peace for the said Borough to act as such Justices in the Execution of this Act, notwithstanding their being Commissioners under the Act, except in Cases where they shall be personally interested.

Penalty on disqualified Persons acting.

IV. And be it further enacted, That the said Commissioners shall meet at the Town Hall in *Banbury* aforesaid, or at such other Place within the said Borough as they may think fit, on the Second *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and shall then proceed to carry this Act into Execution; and in case none or a less Number than Five of the said Commissioners shall attend such Meeting, then such Meeting shall be and be deemed to be adjourned to the next Day, and so *toties quoties*; until a sufficient Number of such Commissioners shall attend at such Meeting to act in the Execution of this Act; and the said Commissioners shall

Meetings of the Commissioners.

shall or may at such Meeting, and at their several Meetings to be holden for the Purposes of carrying this Act into Execution, from Time to Time adjourn themselves, and appoint their next Meeting to be held at the same Place, or at such other Place within the said Borough, and at such Time, as the said Commissioners shall from Time to Time order and direct; provided always, that no Adjournment shall be made for a longer Time than One Calendar Month; and if at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Commissioners to act, or appearing, shall not adjourn such Meeting, the Clerk to the said Commissioners shall from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day within Fifteen Days then next following, to be holden at the same Place; and the said Clerk shall cause Notice thereof to be affixed to the Door of the Town Hall in the said Borough, and to the principal outer Door of the Church of the said Borough, at least Seven Days before the Day to which such Meeting shall be adjourned: Provided always, that no Business shall be done or proceeded upon by the said Commissioners at any Meeting, except the first Meeting to be held under this Act, before Ten of the Clock in the Forenoon, nor shall any Meeting be appointed to be held at any later Hour than Four of the Clock in the Afternoon of the Day on which such Meeting may be appointed to be holden; and at all their several Meetings the said Commissioners shall pay and defray all their own Expences, except any Sum not exceeding Ten Shillings a Day for the Use of the Room wherein they shall meet for the Purposes of this Act; and all Orders and Determinations of the said Commissioners in the Execution of this Act shall be made at a Meeting or Meetings to be held in pursuance hereof, and not otherwise (except in Cases hereby otherwise provided), and no Order or Determination shall be made, unless the major Part of the said Commissioners present at the respective Meetings to be holden in pursuance of this Act shall concur therein; and all Acts, Orders, and Proceedings relating to the Execution of this Act, which are hereby directed to be had, made, done, or exercised by or before the said Commissioners, and all the Powers or Authorities hereby in them vested generally, shall and may be had, made, done, and exercised by the major Part of the Commissioners who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number of Commissioners present at every such Meeting not being less than Five (except in Cases in which any other Number is by this Act named for any particular or special Purpose); and all Acts, Orders, and Proceedings had, made, or done by or before such Five Commissioners shall have the same Force and Effect, and be binding and conclusive on all Persons and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed by or before all the said Commissioners; and at every Meeting of the said Commissioners a Chairman shall in the first Place be appointed, who in case of an equal Number of Votes (including such Chairman's Vote) shall have the casting or decisive Vote.

No Order to
be revoked
without No-
tice, &c.

V. And be it further enacted, That no Order or Determination at any Meeting of the said Commissioners made, agreed upon, or entered into, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to make such Revocation or Alteration shall have been given at a previous Meeting holden pursuant to this Act, and shall have been entered

entered in the Book of Proceedings of such Meeting, and unless such Notice, signed by any Five or more Commissioners, shall have been affixed to the Doors last mentioned, Twenty-one Days at least before such Meeting, nor unless such Revocation or Alteration shall be agreed to be made by Seven Commissioners at least.

VI. And be it further enacted, That if after any Adjournment of the said Commissioners it shall on any Emergency be thought necessary that an earlier Day of Meeting should be appointed, it shall be lawful for any Five or more of the said Commissioners (or for their Clerk, being authorized by an Order in Writing signed by any Five or more of them, although not assembled at a Meeting), mentioning the Time, Place, and Purpose of such Meeting, to appoint and give Notice of such earlier Meeting in the Manner before directed (such Time not being less than Seven Days after such Notice); and all Proceedings of the said Commissioners at such earlier Meeting, relating to the particular Subject on which such Meeting shall be called, shall be as valid as they would have been in case the Commissioners had met in pursuance of an Adjournment; and such earlier Meeting shall and may be adjourned to and be held at such Time and Place as any other Meeting under this Act is authorized to be adjourned to or held at.

Meetings on Emergencies.

VII. And be it further enacted, That the said Commissioners shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of the Names of all the Commissioners who shall attend the respective Meetings, and of all Acts, Orders, and Proceedings relative to the Execution of this Act; and the Chairman of each Meeting of the said Commissioners shall always subscribe his Name at the End of the Proceedings of the said Commissioners at every such Meeting; which said Book or Books, and also the Book or Books herein-after described to be kept for registering Mortgages, Assignments of the Rates, or Transcripts thereof, shall and may be read in Evidence in all Cases, Suits, and Actions, touching any thing done in pursuance or by virtue of this Act.

Proceedings to be entered in Books.

VIII. And be it further enacted, That the said Commissioners shall and they are hereby required, from Time to Time, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Monies received, paid, laid out, and expended for or on account of the Purposes of this Act, and of the several Articles, Matters, and Things, for which such Sums of Money shall have been disbursed and paid, and such Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, and every Creditor of the Rates hereby authorized to be made, and of every Person paying any Rate or Assessment hereby authorized or otherwise affected thereby, without Fee or Reward; and the said Commissioners, Creditors, and other Persons aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners, Creditors, or Persons aforesaid to inspect the same, and to take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of

Accounts to be kept of Receipts and Disbursements, which shall be open to Inspection.

[Local.]

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Money

Money not exceeding Five Pounds for each Default, to be levied, recovered, and applied in manner herein-after provided.

Annual Meetings for auditing Accounts, &c.

IX. And be it further enacted, That a Meeting consisting of no less than Ten of the said Commissioners shall be held on the First *Wednesday* in the Month of *June* yearly, at the Place herein-before mentioned or to be appointed as aforesaid, at which the Accounts of all Monies received and paid from Time to Time by virtue or in execution of this Act by any Person or Persons whomsoever shall be produced, and stated to, and examined and settled by the said Commissioners.

Annual Meetings for laying Accounts before Inhabitants, and for the Inhabitants to elect Commissioners on Vacancies.

X. And be it further enacted, That a Meeting of such of the Inhabitants of the said Borough, and other Persons as are hereby made chargeable with or towards the Rates or Assessments by this Act authorized to be raised, shall be held on the Second *Wednesday* in the Month of *June* yearly, at the Place herein-before mentioned or to be appointed as aforesaid, at which the Accounts examined and settled by the said Commissioners at their preceding annual Meeting as last herein-before expressed shall be laid before the said Inhabitants and other Persons, in order that they may be fully acquainted with the same; and at each of the said yearly Meetings of the said Inhabitants and other Persons, it shall be lawful for the major Part of those present, and they are hereby authorized, when and so often as any of the Commissioners herein named, or to be elected as herein is mentioned, shall have died, or refused, or be or become disqualified to act in the Execution of this Act, to elect and appoint a Commissioner in the Place of every such Commissioner so dying, refusing, or being or becoming disqualified to act as aforesaid; and every Person so elected and appointed (and being qualified as by this Act is directed) shall have the same Powers and Authorities for putting this Act into Execution, in all respects whatsoever, as if he had been named a Commissioner in and by this Act.

Appointment of Officers.

XI. And be it further enacted, That the said Commissioners shall and may at their first or any subsequent Meeting elect and appoint a Treasurer or Treasurers, Clerk or Clerks, Assessor or Assessors, Collector or Collectors of the Rates or Assessments herein-after mentioned; and also Surveyors, Paviers, Scavengers, Rakers, Cleansers, Lighters of Lamps, and such Officers or Persons as they the said Commissioners shall think proper for carrying this Act into Execution, and the said Commissioners shall and may from Time to Time remove them or any of them, and appoint others in the Room of those removed; and out of the Monies to be raised by virtue of this Act the said Commissioners shall and may pay such Salaries, Wages, and Allowances to the said Officers and other Persons as the said Commissioners shall think reasonable; and the said Commissioners shall and they are hereby required to take such Security from every such Treasurer, Collector, and other Officer, as they shall think reasonable or necessary; and all such Officers so to be appointed shall under their Hands (at such Time or Times, and in such Manner as the said Commissioners 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 the Monies which shall have been by such Officers and all Persons respectively received by virtue or for the Purposes of this Act, specifying how much thereof hath been paid and disbursed, and for what Purposes, together with the Vouchers and

Receipts for such Payments, and shall pay all such Money as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall appoint; and if any of such Officers or Persons shall refuse or wilfully neglect to make and render such Accounts as aforesaid, or to produce and deliver up the Vouchers relative to the same, or to make Payment as aforesaid, or shall neglect or refuse to deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Ten Days next after being thereunto required by Notice in Writing given to or left at the last or usual Place of Abode of any such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Information and Satisfaction to the said Commissioners respecting the same, it shall be lawful for the said Commissioners and they are hereby authorized and empowered to bring or cause to be brought an Action or Actions in any of His Majesty's Courts of Record at *Westminster*, against the Officer or Person making such Default as aforesaid, for the Recovery of the Monies which shall be in the Hands of such Officer or Person, with full Costs of Suit; or if Complaint shall be made by the said Commissioners, or by any Person or Persons whom they shall appoint for that Purpose, to any Justice of the Peace for the said Borough, such Justice may and he is hereby authorized and required, by a Warrant under his Hand and Seal, to cause the Officer or Person so neglecting or refusing to be brought before him, and upon his appearing, or having been summoned and not appearing (except from some reasonable Cause to be allowed by such Justice), or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Person, or be accounted for, 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 paid to the said Commissioners, or to such Person or Persons as they shall appoint; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money and the Charges as aforesaid, or if it shall appear to such Justice that such Officer or Person shall have refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of any such Officer or Person, and that he shall refuse or wilfully neglect to deliver or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit every such Offender to the Common Gaol of the Borough aforesaid, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), or until he shall have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be committed by virtue of this Act on account of his not having sufficient Goods or Chattels to answer any such Distress shall

shall be detained in Prison for any longer Term than Three Calendar Months; provided also, that if any Money shall remain due from such Officer or other Person, 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 Person, Officers 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 Person had not been committed to Prison.

Commis-
sioners may
appoint tem-
porary
Collectors.

XII. And be it further enacted, That when and as often as any Collector or Receiver of the Rates or Assessments hereby granted shall neglect or be incapable of performing his Duty, or shall abscond or absent himself, or shall otherwise misbehave or misconduct himself, it shall be lawful for any Two or more of the said Commissioners, although not assembled at a Meeting of the said Commissioners appointed by virtue of this Act, to discharge such Collector or Receiver, and in such case, and also in case any Collector or Receiver shall die, to nominate and appoint a proper Person to be Collector or Receiver of the said Rates or Assessments, to continue until the next Meeting of the said Commissioners, or until removed by virtue of the Powers and Provisions of this Act; all which Person or Persons so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same manner in all respects, as if he or they had been nominated and appointed at a Meeting called and held in pursuance of this Act.

Clerk re-
strained
from acting
as Treasurer,
and vice
versâ.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer, or of his Partner, the Clerk to the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk or of his Partner, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall act as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place of Profit or Trust under this Act other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* or elsewhere, 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.

Commis-
sioners may
sue and be
sued in the
Name of
their Clerk,
&c.

XIV. And be it further enacted, That the said Commissioners may sue and be sued for or concerning any Thing which shall be done by virtue or in pursuance of this Act, or for or concerning any Matter or Thing relating or incident to the obtaining and passing of this Act, in the Name or Names of any One or more of them, or in the Name of their Treasurer
or

or Clerk for the Time being; and no Action or Suit to be brought or commenced by the Direction of or against the said Commissioners by virtue of this Act in the Name or Names of any one or more of them, or in the Name of their Treasurer or Clerk, shall abate or be discontinued by the Death, Resignation, Removal, or Default, or by the Act of any such Commissioner or Commissioners, Treasurer or Clerk, without the Consent of the said Commissioners, but the Commissioner or Commissioners, Treasurer or Clerk for the Time being to the said Commissioners shall be always deemed Plaintiff or Defendant, Plaintiffs or Defendants, in such Action or Suit (as the Case may require): Provided always, that any such Commissioner or Commissioners, Treasurer or Clerk, in whose Name any Action or Suit shall be commenced, sued, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges and Expences as he or they shall be put to or become chargeable with by reason of his or their being so made Plaintiff or Defendant, Plaintiffs or Defendants as aforesaid: Provided always, that such Commissioner or Commissioners, Treasurer or Clerk, shall not by reason of his or their being so made Plaintiff or Defendant, Plaintiffs or Defendants, be deemed an inadmissible Witness in any such Action or Suit, unless it be on his own personal Account.

XV. And be it further enacted, That the present Pavements, Pitchings, Flagging, and Curbstones, now in and about the Streets, Lanes, and other public Places of the said Borough, and also for the Purposes of this Act the said Streets, Lanes, and other public Places, comprehending as well the Footways as Carriageways, shall be and are hereby vested in the said Commissioners; and it shall be lawful for the said Commissioners to cause the present and future Streets, Lanes, Entries, and other public Passages and Places within the said Borough, or any Part or Parts thereof, as well the Carriage as Footways, to be pitched, paved, flagged, or otherwise repaired or amended, and the same Pavements, Pitching, Flagging and other Materials thereof to be taken up and relaid, and the Ground thereof to be raised or lowered, and the Form and Situation of the same altered in such Manner as the said Commissioners shall think fit; and also to make Common Sewers, Drains, or Watercourses in any of the Streets, Lanes, Entries, or other public Passages and Places within the said Borough, for the Purpose of carrying or conveying Water and Refuse from the same, and to cleanse, alter, and amend such Sewers, Drains, or Watercourses in such Manner as they shall from Time to Time think necessary; and it shall be lawful for the said Commissioners to take up and remove, or cause to be taken up and removed, all or any Posts, Rails, Pales, Trees, or Fences in such Streets, Lanes, Passages, or Places, or any of them, as they the said Commissioners shall judge to be an Obstruction or Nuisance to Foot Passengers, Horses, or Carriages, or to erect or set up any other Posts, Rails, Fences, or Pales, as they shall think proper for the better Security of Passengers, Horses, or Carriages, or the said Pavements or Curbstones, from Damage; and also to remove, or cause to be removed, all or any of the said public Pumps now standing and being in any of the said Streets, Lanes, or Places, and to erect, place, and set up Pumps in lieu of such Pumps so removed, in such Places within the said Borough as shall be thought by the said Commissioners to be more convenient and proper, and such Pumps, and the Wells and Shafts in which the same are or shall be placed, shall for ever hereafter be kept in Repair, and be under the sole Management, Direction, and Controul of the said Commissioners, and be

Pavements
&c. vested
in Commis-
sioners.

so vested in them for the Use of the Inhabitants of the said Borough; and the Expences attending such Réparation, and also the Erection of any new Pump or Pumps, and the removing of the present Pumps, and of sinking any fresh Well or Wells, and also of such pitching, paving, flagging, renewing, draining, and repairing, shall at all Times be payable and paid out of the Monies to be raised by virtue of this Act: Provided always, that in all Cases where any of the present Pavement in and about the Streets, Lanes, or other public Places of the said Borough, has been provided by Individuals residing in the said Borough at the Time of the passing of this Act at their own Expence, it shall be lawful for the said Commissioners, when they shall think fit, to authorize and give Notice to such Individuals to take up the same and convert it to their own Use, or the said Commissioners shall be at liberty to retain the same for the Purposes of this Act, paying to such Individuals such Sum or Sums of Money as the said Commissioners shall adjudge to be a proper Compensation for the same; and in case the said Commissioners shall give Notice to any such Individual to take up the said Pavement or any Part thereof, such Individual shall do so, and remove the same within Fourteen Days after such Notice, or the said Commissioners may take up and use the same without making any such Compensation as aforesaid; provided also, that nothing herein contained shall authorize the said Commissioners to remove any Inclosure now existing on the Waste Lands of the said Borough without the Consent of the Mayor, Aldermen, and Capital Burgesses of the said Borough, nor to cut down any Tree now standing on the said Waste Land, without the like Consent.

Turnpike
Roads within
the Borough
to be vested
in the Com-
missioners.

XVI. And be it further enacted, That from and after the passing of this Act, all such Part or Parts of the said public Carriage Roads or Highways situate and being within the said Borough, which are now deemed or reputed to belong to any Turnpike Road or Turnpike Roads heretofore made under or by virtue of any Act or Acts of Parliament, shall from henceforth cease to belong to the said Turnpike Roads, and be deemed and taken to be a Part or Parts of the said public Carriage Roads or Highways of and belonging to the said Borough, and shall be vested in the said Commissioners for the Purposes of this Act.

Power to get
Materials.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners or their Surveyor, by their Authority in Writing, but not otherwise, to search for, cut, dig, get, gather, and take away any Stones, Gravel, Sand, or other Materials, for making or repairing and maintaining the said Streets, Lanes, Paths, or Passages within the said Borough, out of or from any Common or Waste Ground, or any common River or Brook within the said Borough, they the said Commissioners or Surveyor filling up or fencing the Pits or Quarries, so that the same shall not be dangerous to Passengers or Cattle; and in case a sufficient Quantity of such Materials cannot be found or had in or upon any such Waste Grounds or Commons, or in any such common River or Brook, it shall be lawful for the said Commissioners, or their said Surveyor, or any other Person appointed by them, by Order of any Justice of the Peace for the said Borough of *Banbury*, or for the County of *Oxford* (as the Case may be), to be made upon the Application of the said Commissioners or their Surveyor, to search for, dig, get, and carry away any such Materials in, out of, or from the inclosed Lands or Grounds of any Person situated within the said Borough, or in any Parish or Place adjoining thereto, where the same may be had or found,

found, such Lands or Grounds not being a Yard, Garden, Orchard, Park, Paddock, Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees; the said Commissioners making or tendering to the Owners or Occupiers thereof such Satisfaction for the Value of such Materials, or for the Damages thereby done to the Lands or Grounds where or from whence the same shall be cut, dug, got, gathered, and carried away, or over which the same or any other Materials for such making and repairing shall be carried, as the said Commissioners or the Person acting in their behalf shall judge reasonable; and in case of any Difference between the said Commissioners or Persons acting in their behalf, and the Owners and Occupiers of such Lands and Premises concerning such Damage, it shall be lawful for any Two or more of the Justices of the Peace of and for the said Borough, in relation to so much of the Lands and Premises as shall be within the said Borough, and for any Two or more of His Majesty's Justices of the Peace for the County of *Oxford* (as the Case may be), in relation to any of the Lands and Premises as shall not be within the said Borough, on Seven Days Notice thereof in Writing being given by either Party to the other, or left at his, her, or their respective Place or Places of Abode, to hear, settle, and determine the Matters of such Payment or Damages.

XVIII. Provided always, and be it further enacted, That no such Materials as aforesaid lying within the Distance of One hundred and fifty Yards from any Bridge, Mill, Mill Weir, or Dam, shall be dug for, gotten, or taken away on any Account or Pretence whatsoever.

Proviso as to digging Materials.

XIX. Provided also; and be it further enacted, That it shall not be lawful for the said Commissioners, or any Person under their Authority, to dig, gather, get, take, or carry away any Materials for the Purposes aforesaid, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by Five or more of the said Commissioners, shall have been given to the Owner or Occupier of such Lands and Premises, or left for such Owner or Occupier at his or her usual Place of Residence, to appear before Two or more Justices of the Peace acting for the said Borough or the said County of *Oxford*, according as the said Lands may lie within or without the said Borough, to show Cause why such Materials shall not be had or taken from such Lands or Grounds; and in case such Owners, Occupiers, or their Agents shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Commissioners, or such Persons as they shall appoint for the Purpose, to dig, get, gather, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owners or Occupiers shall neglect or refuse to appear in Person, or by their respective Agent, pursuant to such Notice, the said Justices shall (upon Proof on Oath of the Service of such Notice) make such Order in the Premises as they respectively shall think fit, so that the same be made in Writing, as fully and effectually as though such Owners or Occupiers had attended.

Materials not to be taken from any inclosed Grounds till Notice given.

XX. And be it further enacted, That all the Occupiers of Yards, Passages, or other Property adjoining or near to any of the said Streets, Lanes, Entries, public Passages, and Places, in which shall be contained Drains, Common Sewers, or Watercourses, shall from Time to Time, as Occasion shall require, convey, in such Manner as shall be satisfactory to the said Commissioners,

Water to be conveyed from private Premises into public Drains.

Commissioners, the Water into such Drains, Common Sewers, or Watercourses, by Drains or Sewers, from such Yards, Passages, or other Property as aforesaid, at their own Expence, under the Penalty of Five Pounds for each Default therein, Ten Days Notice in Writing from the said Commissioners having been first given to such Occupier or Occupiers, or left at his, her, or their Place or Places of Abode, to cause such Water to be conveyed into such Drains, Common Sewers, or Watercourses as aforesaid.

Commissioners empowered to cause Streets to be lighted with Oil or Gas.

XXI. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners to cause the several Streets, Lanes, Entries, and other public Passages and Places within the said Borough, or such of them as they shall think proper, to be lighted either by Oil Lamps or by means of Gas or Inflammable Air, as they shall think fit, and to direct which Part or Parts of the said Borough shall be lighted by Oil, and which by means of Gas or Inflammable Air; and it shall be lawful for the said Commissioners from Time to Time to contract and agree with any Company or Companies of Proprietors, or other Person or Persons, to light the same by means of Oil or Gas, or Inflammable Air, in such Manner, and upon such Terms and Conditions, Stipulations and Agreements, as the said Commissioners shall think proper, and to provide and set up all necessary Lamps, Lamp Posts, Lamp Irons, and other Works necessary for the Purposes of this Act; and in case it shall be determined to light all or any of the said Streets, Lanes, Entries, and other public Passages and Places with Gas or Inflammable Air, it shall be lawful for the said Commissioners to direct the breaking up of the Soil or Pavement of any of the said Streets, Lanes, Entries, and other public Passages and Places, and the digging, sinking, constructing, laying and fixing Pipes, Stopcocks, Plugs, Branches, and all other necessary Works and Machinery, by any Contractor or Contractors, or other Person or Persons, for the conveying of the said Gas or Inflammable Air, for the Purpose of lighting the several Streets, Lanes, Entries, and other public Passages and Places within the said Borough, or any Part or Parts thereof, or any private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, and from Time to Time to direct such Pipes, Stopcocks, Plugs, Branches, Works, and Machinery, to be repaired, altered, or renewed: Provided always, that nothing herein contained shall authorize or empower the said Commissioners, or any Contractor or Contractors, or other Person or Persons as aforesaid, to carry, lay, or fix any Pipe or Pipes, or other Thing for the Conveyance of the said Gas or Inflammable Air, through or against any Dwelling House or Houses, or private Buildings, or any private Lands or Hereditaments, and Premises, or so to continue the same, without the Consent of the Owner and Occupier of every such Dwelling House, Hereditament, or Building respectively for that Purpose.

Directing how the Gas Pipes shall be laid.

XXII. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Road, Street, Way, Lane, or other public Passage or Place within the said Borough of *Banbury*, shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway in such Road, Street, or Place will allow thereof, at the Distance of Four Feet at least, as well from the nearest Part of any Water Pipe already laid down or hereafter to be laid down by or by the Order of any Company

pany of Proprietors, for the Conveyance of Water in, under, through, along, across, or round any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places within the said Borough, (unless in Cases where it shall be unavoidably necessary to lay the Pipes of the said Commissioners, Contractor or Contractors, or Person or Persons whosoever, across any of the Pipes of any Company of Proprietors for the Conveyance of Water, in which Cases the said Pipes of the said Commissioners, Contractor or Contractors, or Person or Persons whosoever, shall, if practicable, be laid over and above such Water Pipes, at the greatest practicable Distance therefrom, and shall form therewith as near as possible a right Angle), and in such Cases the said Pipes of the said Commissioners, Contractor or Contractors, or Person or Persons whosoever, so crossing the said Pipes of any Company of Proprietors for the Conveyance of Water, shall be at least Nine Feet in Length, so that no Joint of any of the said Pipes of the said Commissioners, Contractor or Contractors, or Person or Persons whosoever, shall be nearer to any Part of the said Pipes of any Company of Proprietors for the Conveyance of Water than Three Feet at least; and in laying down the said Pipes, the said Commissioners, Contractor or Contractors, or Person or Persons whosoever, shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively air-tight, and in all and every respect prevent the said Gas from escaping therefrom, and from any Part thereof, upon pain of forfeiting for every such Offence the Sum of Twenty Pounds, to be recovered as any Penalty is herein directed to be recovered, provided the said Commissioners, Contractor or Contractors, or Person or Persons whosoever, shall neglect or refuse to make such Gas Pipes air-tight within Twenty-four Hours after Notice thereof given to them in Writing.

XXIII. And be it further enacted, That whenever the Water of any Company of Proprietors for the Conveyance of Water in, under, through, along, across, or round any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places within the said Borough of *Banbury*, or the Water or Waters of any Person or Persons, shall be contaminated or affected by the Gas of the said Commissioners, Contractor or Contractors, or any Person or Persons whosoever, the said Commissioners, Contractor or Contractors, or Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Use and Benefit of the Company of Proprietors, or Person or Persons who shall have their Water contaminated or affected as aforesaid; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Commissioners, Contractor or Contractors, or any Person or Persons whosoever, shall within Twenty-four Hours next after Notice thereof in Writing, signed by any of the Directors, or by the Treasurer, or by the Manager or Chief Clerk for the Time being of and for any Company of Proprietors for the supplying of Water within the said

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Company to prevent Escape of Gas, and Contamination, &c. of Water.

Borough, or by any Person or Persons whose Water or Waters shall be so contaminated, to be left at the usual Office or Place of transacting Business of the said Commissioners, Contractor or Contractors, or of any Person or Persons whosoever, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting the Water of any Company of Proprietors for the supplying of Water, or from the contaminating the Water of any Person or Persons; and in case the said Commissioners, Contractor or Contractors, or any Person or Persons whosoever, shall not within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Commissioners, Contractor or Contractors, or any Person or Persons whosoever, shall on each and every Complaint, whereof Notice shall be given as aforesaid, forfeit and pay to such Company of Proprietors for the supplying of Water for the Use and Benefit of the same Company of Proprietors, and also to any Person or Persons who shall be so injured by such Contamination as aforesaid, over and above the before-mentioned Penalty of Twenty Pounds, to be recovered as aforesaid, the Sum of Five Pounds for each and every Day during which the Water of such last-mentioned Company, or of such Person or Persons, shall be and remain contaminated or affected by the Gas of the said Commissioners, Contractor or Contractors, or of any Person or Persons whosoever; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer, or by and in the Name of the Manager and Chief Clerk for the Time being of such Company of Proprietors for the supplying of Water, or by and in the Name of any One or more of the Directors of such last-mentioned Company, at the Option of the Party or Parties prosecuting such Information, or of such Person or Persons, against the said Commissioners, Contractor or Contractors, or of any Person or Persons whosoever, before any Justice of the Peace for the said Borough of *Banbury*, with Costs to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Commissioners, Contractor or Contractors, or Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties, and Costs, when so levied, shall be paid to such Company of Proprietors for the Use of the said Company, or to such Person or Persons, as the Case may be.

For ascertain-
if the Water
be contami-
nated.

XXIV. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Commissioners, Contractor or Contractors, or of any Person or Persons whosoever; be it therefore enacted, That in every such Case it shall be lawful for any such Company of Proprietors of Waterworks, whose Water is contaminated or affected, to dig to and about, and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, Contractor or Contractors, or of any Person or Persons whosoever, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Commissioners, Contractor

tractor or Contractors, or of any Person or Persons whatsoever; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Commissioners, Contractor or Contractors, or of any Person or Persons whatsoever, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Commissioners, Contractor or Contractors, or any Person or Persons whatsoever, which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Commissioners, Contractor or Contractors or of any Person or Persons whatsoever, then and in such Case the Company of Proprietors of Waterworks shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners, Contractor or Contractors, or to any Person or Persons whatsoever, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Commissioners, Contractor or Contractors, or of any Person or Persons whatsoever in and by such Search and Examination, and also to the Pavement of the said Streets so broken or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or Justices of the Peace as aforesaid.

XXV. Provided always, and be it further enacted, That in case any Pipe, Cock, or Branch, shall be carried or laid from any Main or Pipe of the said Commissioners, Contractors, or other Persons supplying Gas, into, through, or against any private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground, for the Purposes of lighting the same, or any other Dwelling House, Manufactory, Building, Yard, or Ground, in pursuance and conformably to the Powers and Authorities in this Act contained, and the Owner or Occupier of any such private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground, into, or through, or against which such Pipe, Cock, or Branch shall pass or be laid, shall be desirous that the same Pipe, Cock, or Branch shall be altered or removed, and taken away, and of such his or her Desire shall give Notice in Writing to the said Commissioners, Contractors, or other Persons supplying Gas as aforesaid, then and in every such Case the said Commissioners, Contractors, or other Persons, shall, within Seven Days after the Receipt of such Notice, alter or remove and take away, or cause to be altered or removed and taken away, all or any such Pipes, Cocks, and Branches as shall have been so introduced and laid therein or thereupon from any such Main of the said Commissioners, Contractors, or other Persons as aforesaid; and in default thereof it shall be lawful for such Owner, Occupier, or any other Person or Persons acting under his or her Authority, to cause such Pipes, Cocks, and Branches to be altered or removed, and taken away (as the Case may require), and the Costs and Expences of such Removal shall be recovered from the said Commissioners, Contractors, or other Persons as aforesaid, on Complaint before a Justice of the Peace, as any Penalty is recoverable under this Act, if the

Commissioners to remove Pipes, &c. on private Property on Notice.

same

same be not paid on Demand by such Commissioners, Contractors, or other Persons as aforesaid.

Gas Works to be conducted under Advice of some Person skilled in such Works.

XXVI. Provided also, and be it further enacted, That for greater Security against Accidents by such Gas Works, the Body or Bodies Politic or Corporate, Company or Companies of Proprietors, and all Persons whosoever, are hereby directed and required to erect or cause to be erected all such Gasometers, Cisterns, Pillars, and other the necessary Apparatus, and to lay all such Pipes, Stopcocks, Plugs, Branches, and Machinery aforesaid, by the Advice and Directions of some Person or Persons thoroughly skilled and experienced in the Nature of such Works, whose entire Approbation thereof as to Safety and otherwise shall be had before the same shall be used.

Works to be inspected Four Times in every Year.

XXVII. And be it further enacted, That the said Commissioners, and the Body or Bodies Politic or Corporate, Company or Companies, and Person or Persons, shall and they are hereby required to have the said Works inspected at least every Three Calendar Months by One or more experienced Person or Persons, to see that the same are in a fit State and properly conducted and managed, and in case of any Error, Want of Repair, Insufficiency, or other Mismanagement being pointed out, to cause the same to be forthwith corrected, amended, and repaired, according to the Opinion of such Person or Persons as aforesaid.

Service Pipes to be kept fully charged with Gas.

XXVIII. And be it further enacted, That the Branch or Service Pipes which shall be put down for lighting the said Streets, Lanes, Entries, and other public Passages and Places, shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

For preventing the Escape of Gas.

XXIX. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down by the said Commissioners, or the Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons making, furnishing, or supplying any Gas used or burnt within the Limits of this Act, shall immediately after Notice given to them or him, by Parole or in Writing, of any such Escape of Gas, from any Inhabitant or Inhabitants within the said Borough, or from any Person whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from further escaping; and in case the said Commissioners, Body or Bodies, Company or Companies of Proprietors, or other Person or Persons as aforesaid, shall not within Twenty-four Hours next after such Notice given effectually stop and prevent any future Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Commissioners, Body or Bodies, Company or Companies of Proprietors, or other Person or Persons as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to continue to escape as aforesaid, which Penalty shall from Time to Time be recoverable in a summary Way on the Oath of One or more credible Witness or Witnesses, by Information to be laid before some One or more Justice or Justices

Justices of the Peace for the said Borough, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Commissioners, or of the Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or their Treasurer, or of such other Person or Persons as aforesaid.

XXX. And be it further enacted, That if any Person or Persons shall wilfully or maliciously hinder or interrupt the said Commissioners, Body or Bodies, Company or Companies of Proprietors, or other Person or Persons contracting with the said Commissioners, or their Deputies, Agents, Workmen, or Servants, or any of them, in doing or performing any of the Works, or in the Exercise of any of the Powers and Authorities by this Act granted, or shall in anywise cause such Interruption or Hindrance to take place, or shall wilfully or maliciously remove, take away, destroy, damage, or injure any or any Part of any Pipe, Post, Plug, or other Apparatus, Matter, or Thing to be erected, set up, or used in pursuance of this Act, or shall wilfully or maliciously waste any of the said Inflammable Air or Gas, every Person so offending in any of the respective Premises, and being thereof lawfully convicted on the Oath or Affirmation of One credible Witness before One or more Justice or Justices of the Peace for the said Borough, shall forfeit and pay to the said Commissioners, Body or Bodies, Company or Companies of Proprietors, or other Person or Persons contracting as aforesaid, any Sum not exceeding Five Pounds, and Three Times the Amount of the Damage done or occasioned by such Conduct, the same to be ascertained by such Justice or Justices; and such Penalty and Damage, together with reasonable Costs, shall be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus, if any, to the Owner of such Goods and Chattels, or such Offender shall and may be committed to the Common Gaol or House of Correction of the said Borough, as the Case may require, there to remain for any Time not exceeding Six Calendar Months.

Penalty on obstructing Workmen, damaging Pipes, &c.

XXXI. And be it further enacted, That it shall not be lawful for the said Commissioners, or any Body or Bodies Politic or Corporate, Company or Companies, or any Person or Persons whomsoever, to carry or convey, or cause to be carried or conveyed, any Washings or Liquids, or any Lime or other Ingredients, Matter, or Thing whatsoever, which shall arise or be made or produced in manufacturing or preparing any Gas or Inflammable Air whatsoever, or in the Prosecution of any Gas Works within the said Borough, into the River *Cherwell* or *Oxford Canal*, or into any Pond, Ditch, Brook, or any Sewer, Conduit, or other Place whatsoever, by which it may ultimately be carried or conveyed into the said River or Canal, or into any other Stream or Brook, or into any Pond, Ditch, Brook, Canal, Sewer, or Conduit.

Washings, &c. not to be conveyed into the River *Cherwell*, or *Oxford Canal*.

XXXII. And be it further enacted, That if the said Commissioners, or any Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or any other Person or Persons whosoever, making, furnishing, or supplying any Gas used or burnt within the said Borough, shall at any Time empty, drain, or carry, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever which shall arise or be made

Penalty for conveying Washings into any Sewer, Stream, &c.

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in the Prosecution of any Gas Works, into the River *Cherwell* or *Oxford Canal*, or any River, Leat, Brook, or running Stream, Reservoir, Canal, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Leat, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, Drain, Sewer, or Ditch, whereby the Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in every such Case the said Commissioners, or such Body or Bodies, Company or Companies of Proprietors, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture 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 or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Impar lance shall be allowed, and such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same shall be sued for within Twelve Calendar Months after the Time when such Annoyance, Act, and Thing shall have ceased: Provided also, that in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall or shall not be recovered), 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 the River *Cherwell* or *Oxford Canal*, or into any River, Leat, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Nuisance, Injury, Damage, 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 said Commissioners, or any such Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or any of them, or other Person or Persons as aforesaid, and the said Commissioners, or such Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons as aforesaid, shall not within Twenty-four Hours after such Notice given stop and prevent all and every such Washings, waste Liquids, 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, Act, or Thing from being done as aforesaid, then and in every such Case the said Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons so offending, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids or Things, shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and such last-mentioned Penalty shall and may be recovered and levied; and shall be paid to the Informer, or to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

XXXIII. Provided always, and be it further enacted, That nothing in this Act contained, shall extend or be construed to extend to prevent any Person from proceeding by Indictment or otherwise against the said Commissioners, or any Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, or against any of their Officers, Servants, or Workmen, in respect of any Works of the said Commissioners, Body or Bodies Politic or Corporate, or other Person or Persons whatsoever, or the Method which shall be employed by them, by making such Gas, or for furnishing such Lights as aforesaid, as a public or private Nuisance, or for bringing any Action against the said Commissioners, or any Body or Bodies Politic or Corporate, or any other Person or Persons whatsoever, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works or Method of lighting, whether such Injury shall proceed from the Nature of such Method of lighting, or from the Carelessness or want of Skill of the Persons employed therein.

Nothing in this Act to prevent Commissioners from being indicted for a Nuisance.

XXXIV. And be it further enacted, That it shall be lawful for the Body or Bodies, Company or Companies, Person and Persons with whom the said Commissioners shall contract, after sufficiently lighting the said Streets, Lanes, Entries, and other public Passages and Places, to let out or grant to any Person or Persons whomsoever, who shall be willing to take the same, any Light or Lights, or Argand, Cockspur, Batwing, or any other kind of Burner or Burners, and to supply the same with Gas or Inflammable Air, upon such Terms and Conditions, and at such annual Rents for the same, and in such Manner as the said Body or Bodies, Company or Companies, Person or Persons, shall from Time to Time think proper; and in case any Person or Persons who shall contract or otherwise agree to take, or shall use or enjoy the Benefit of the said Gas in their private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, shall refuse or neglect for the Space of Ten Days after Demand, to pay the Sum or Sums of Money then due for the same to the said Body or Bodies, Company or Companies, Person or Persons, according to the Terms and Stipulations agreed upon, it shall be lawful for the said Body or Bodies, Company or Companies, Person or Persons, or any Person or Persons acting by or under their Authority, by Warrant under the Hand and Seal of any Justice of the Peace for the said Borough of *Banbury*, to levy the said Sum or Sums of Money, in respect whereof such Neglect or Refusal shall happen, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) to such Person or Persons so refusing or neglecting, after the necessary Charges of making such Distress and Sale shall be first deducted, or the same with Costs of Suit may be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Commissioners empowered to let out Gas Lights; and in case Payment of Rent is refused, may be recovered before a Justice.

XXXV. Provided always, and be it further enacted, That no Person shall lay, or cause to be laid, any Pipe to communicate with any Pipe belonging to the said Commissioners, Contractor or Contractors, or Person or Persons whatsoever, nor fit or alter any of the Fittings of any Pipes or Lamps belonging to the said Commissioners, Contractor or Contractors, or Person or Persons whatsoever, without the Consent of the said Commissioners,

No Pipes of Communication to be laid without the Consent of the Commissioners.

sioners, Contractor or Contractors, or Person or Persons, in Writing first had and obtained, nor use Burners of a larger Dimension than he, she, or they shall contract to pay for, or supply any Inhabitant or other Person with any Part of such Gas, on pain of forfeiting and paying to the said Commissioners, Contractor or Contractors, or Person or Persons, the Sum of Forty Shillings *per* Day for every Day such Pipe shall so remain, or such Excess be so committed, or such Supply furnished, to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the County, Place, or District where the said Offence shall be committed, and which Warrant such Justice or Justices is and are hereby empowered and required to grant; and the Surplus, after such Penalty or Forfeiture, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand to the Owner of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Forfeiture shall not forthwith be paid, it shall be lawful for such Justice or Justices to cause such Offender or Offenders to be committed to the Common Gaol of the said Borough, there to remain without Bail or Mainprize for such Time as such Justice or Justices shall direct, not exceeding Three Calendar Months, unless such Forfeiture and all reasonable Charges, be sooner paid and satisfied.

Commissioners to repair Damages done to Walls, &c. by fixing Lamp Posts.

XXXVI. Provided always, and be it further enacted, That if any Injury or Damage shall be occasioned to any Rail, Building, or Wall, by the affixing, setting up, taking down, altering or removing any Lamp, or any Lamp Iron or other Fastenings thereof, by the said Commissioners, Contractors, or other Persons, such Commissioners, Contractors, or other Persons shall immediately cause the said Injury or Damage to be well and sufficiently repaired.

Power to purchase Lands, &c.

XXXVII. And be it further enacted, That in order to enable the said Commissioners to cause Gasometers, and other Manufactories and Works necessary for the Purpose of this Act to be constructed or made, it shall be lawful for the said Commissioners, and they are hereby empowered to contract and agree for the absolute Purchase of any Lands, Tenements, or Hereditaments, not exceeding in the whole the Quantity of Two Statute Acres within the Borough or Parish of *Banbury* aforesaid, with any Body Politic, Corporate, or Collegiate, or any Tenant or Tenants for Life or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, or with any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, or other Trustees whomsoever, and also with all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or with any Person or Persons whomsoever, who shall be willing to sell the same, or his, her, or their Right and Interest in the same, for the Uses and Purposes of this Act; and it shall be lawful for the said Commissioners to hold such Lands, Tenements, and Hereditaments, and any Term, Right, and Interest therein so purchased as aforesaid, without incurring or being subject to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever, and also at any Time or Times thereafter to sell and dispose of the said Lands, Tenements, or Hereditaments, or any of them, as they shall think proper, and from Time to Time to purchase

and hold other Lands, Tenements, or Hereditaments more suitable for the Uses and Purposes of this Act, and again to sell the same in like Manner, subject to the Provisions and Directions in this Act contained.

XXXVIII. 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 in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, or other Persons under any Disability of acting for themselves, and also for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and for all and every other Persons and Person whomsoever, who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments which shall be thought necessary by the said Commissioners to be purchased for the Uses and Purposes of this Act, to contract and agree with the said Commissioners for the Sale thereof, or of any Part thereof, and to sell and convey the same, or any Part thereof, and all his, her, or their Estate, Right, Title and Interest whatsoever, of, in, and to the same, to the said Commissioners for the Purposes of this Act; and all Contracts, Bargains, Sales, and Conveyances which shall be so made by virtue and in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Parties so conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their said several Cestuique Trusts, and of all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion expectant on any such particular Estate, and the same shall be deemed and considered to bar the Dower and Dowers of the Wife and 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 such Party and 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 Corporate or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years, absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons whomsoever are and shall be indemnified for what they shall do by virtue and in pursuance of this Act.

Bodies
Politic, &c.
empowered
to sell.

XXXIX. And be it further enacted, That if any Money shall be paid, or agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, or Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator,

Application
of Compens-
ation Mo-
ney when
amounting to
200*l*.

[Local.]

40 U

Husband,

Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, 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 Privy of the Accountant General of the Court of Exchequer, to be placed to his Account there, *ex parte* the Commissioners for paving, cleansing, lighting, watching, and otherwise improving the Borough of *Banbury*, in the County of *Oxford*, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George the Fourth*, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain, until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall upon the like Application be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the meantime, and until such Order can be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by the Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Application
of Compensation
Money
when less
than 200l.

XL. And be it further enacted, That if any Money so agreed to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid,

aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners, or any Three or more of them, 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 said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation of the Trustees to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Commissioners for executing this Act, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Commissioners, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

and not less than 20l.

XLI. And be it further enacted, That where such Money so agreed to be paid as last herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit, or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

Application of Compensation Money when less than 20l.

XLII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of 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 in case the Person or Persons to whom all such Sum or Sums of Money shall be agreed to be paid as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners 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 said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them),

In case of not making out Titles or Persons entitled not being found.

them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person making claim to such Sum or Sums of Money or any Part thereof by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim 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 such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank of *England* as aforesaid.

Persons in Possession presumptively entitled.

XLIII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

XLIV. And be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used 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 Lands, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners out

out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XLV. And be it further enacted, That upon Payment of the Money so contracted and agreed to be paid for the Purchase of such Lands, Tenements, or Hereditaments by the said Commissioners to the Party or Parties respectively entitled to the same, or their Agents, or upon Payment thereof into the Bank of *England* for the Purpose of being disposed of in manner herein-before directed (as the Case may be), and a Receipt or Receipts, Certificate or Certificates obtained for such Payment or Payments, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law or Equity of the Party and Parties, and Person and Persons respectively to whom and for whose Use the same shall be paid, in, to, or out of such Lands, Tenements, or Hereditaments, shall vest in the said Commissioners and their Successors for ever, for effecting the Uses and Purposes of this Act; and the said Commissioners shall immediately thereupon be deemed in Law to be in the actual Seisin or Possession thereof to all Intents and Purposes whatsoever, as fully and effectually as if every such Person having any Estate in the Premises had actually conveyed and assured the same Lands, Tenements, and Hereditaments unto the said Commissioners and their Successors, conformably to the Directions and according to the Form herein prescribed.

On Payment of Purchase Money, Premises to be vested in the Commissioners.

XLVI. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments, to be made to the said Commissioners and their Successors, shall be made in the Form or to the Effect following; (that is to say),

Conveyances to Commissioners.

I [or We, as the Case may be] of
 in consideration of the Sum of _____ paid to me
 [or us, or into the Bank of *England*, as the Case may be] by the Com-
 missioners for paving, cleansing, lighting, watching, and otherwise
 improving the Borough of *Banbury*, in the County of *Oxford*, do
 hereby grant, release, convey, and confirm [or assign, as the Case may
 be] to the said Commissioners and their Successors, all [describe the
 Premises to be conveyed] and all my [or our] Right, Title, Estate, and
 Interest in and to the same and every Part thereof; to hold the same
 to the said Commissioners and their Successors for ever [or, as the Case
 may be, during all the Remainder of my [or our] Term, Estate, or
 Interest in the said Premises]. In witness whereof I [or we] have
 hereto set my Hand and Seal [our Hands and Seals, or our
 Common Seal, as the Case may be], this _____ Day of _____
 in the Year of our Lord _____

Which Sale, Conveyance, and Assurance so made shall be good, valid, and effectual to all Intents and Purposes whatsoever *quoad* the Party or Parties making the same, and his, her, or their Cestuique Trusts, and all other Persons claiming or to claim by, from, under, or in trust for him, her, or them respectively.

XLVII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to sell and dispose of, and by Indenture or Indentures to grant and convey by way of absolute Sale in Fee

Re-sale of Lands not wanted.

[Local.]

40 X

Simple,

Simple, for a competent Consideration in Money, all or any Part or Parts of the Lands, Tenements, or Hereditaments which may have been so purchased, and which shall not be wanted for the Purposes of this Act; and upon Payment of the Money which shall arise by or from the Sale or Sales of such Lands, Tenements, or Hereditaments, or of any Part or Parts thereof, it shall and may be lawful for the Treasurer for the Time being to the said Commissioners to sign and give a Receipt or Receipts for the Money for which the same shall be sold, which Receipt or Receipts shall be a sufficient Discharge to any Purchaser or Purchasers for the Money therein and thereby expressed or acknowledged to be received; and such Purchaser or Purchasers, having *bond fide* paid the same, and obtained such Receipt or Receipts for the same, shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

Restraining the Commissioners from purchasing more than Two Statute Acres of Land from incapacitated Persons, &c.

XLVIII. And whereas the said Commissioners are enabled to purchase Two Statute Acres of Land, where they may erect Works by virtue of this Act for the Purposes thereof; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons whomsoever, are empowered to sell such Quantity or Number of Acres to the said Commissioners: And whereas it is expedient to restrain the said Commissioners from selling any such Lands so purchased from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same; or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, in lieu or stead of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Commissioners to purchase from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, more than such Two Statute Acres; and in case the said Commissioners shall afterwards sell the Whole or any Part of such Two Statute Acres so purchased, it shall not be lawful for the said Commissioners to purchase of, or for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail,

Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, to sell to the said Commissioners any other Lands in lieu or instead of those two Statute Acres, or any Part thereof, so sold or disposed of by the said Commissioners.

XLIX. And whereas the Inhabitants of the said Borough residing near the public Pound have been greatly disturbed and annoyed, particularly in the Night, by the Noise of Animals confined in the said Pound; be it therefore enacted, That it shall be lawful for the said Commissioners to remove the said Pound to any more convenient Situation within the said Borough, and if necessary, to purchase Land for that Purpose under the Power herein-before contained.

Public Pound
to be re-
moved.

L. And be it further enacted, That it shall be lawful for the said Commissioners to plant Trees in the wide Parts of the Streets or other public Places of the said Borough for the Ornament thereof, and from Time to Time to renew the same, and to fence and guard such Trees in such manner as they shall think proper, the Expence whereof shall be paid out of the Monies to be raised by virtue of this Act; and if any Person shall wilfully injure any Tree so planted or the Fence thereof, or any Tree now standing in such Streets or public Places, he or she shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Five Pounds: Provided nevertheless, that no such Tree shall be planted within the Distance of Twenty Feet from the Front of any Dwelling House, without the Consent of the Owner and Occupier thereof, nor so as to occasion any inconvenient Obstruction to Passengers in the said Streets, or Persons frequenting the said other public Places for the Purpose for which the same are appointed or used: Provided also, that all Trees to be so planted shall be the Property of the Mayor, Aldermen, and Capital Burgesses of the said Borough, but shall not be cut down or removed but with the Consent of the said Commissioners; but nevertheless it shall be lawful for the said Commissioners to cut or prune at proper Seasons of the Year any such Trees in such manner as they may judge expedient, having regard to the Purpose for which such Trees shall be planted.

Trees may
be planted.

LI. And be it further enacted, That if any Person shall wilfully break, take away, throw down, displace, or otherwise destroy or damage any Lamp which shall be erected by Order of the said Commissioners, or which may be erected by any other Person or Persons at his or their own Expence, for the Purpose of lighting any of the said Streets, Lanes, Entries, or other public Passages and Places, or any Post, Iron, Cover, or Furniture thereof, or shall wilfully extinguish the Light or Lights of, or in any such Lamp or Lamps, it shall be lawful for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending, the Offender or Offenders, and by Authority of this Act, 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 of the Peace for the said Borough; and such Justice shall and he is hereby required to proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party or Parties

Penalty on
wilfully
breaking
Lamps.

Parties accused shall be convicted of such Offence, either on his, her, or their Confession, or upon such Evidence as aforesaid, then and in every such Case he, she, or they shall for every such respective Offence forfeit and pay any Sum not exceeding Five Pounds, and shall, in addition to the Payment of such Penalty, make a full Satisfaction (to be ascertained by such Justice) to the said Commissioners, or to the Party injured, for the Damage so done; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty and make such Satisfaction as aforesaid, such Justice is hereby authorized and required to commit such Offender or Offenders to the Common Gaol of the said Borough, there to be kept to hard Labour for any Time not exceeding Three Calendar Months, unless such Penalty and Satisfaction shall be sooner paid.

Satisfaction to be made for accidental Damage to Lamps.

LII. And be it further enacted, That if any Person shall carelessly, negligently, or accidentally break, thrown down, or otherwise destroy or damage any Lamp, or the Post, Iron, Cover, or Furniture thereof respectively, and shall not upon Demand make Satisfaction for the Damage done, then and in every such Case it shall be lawful for any Justice of the Peace for the said Borough, and he is hereby required, upon Complaint thereof made, to summon before him the Party or Parties so complained of, and upon his, her, or their appearing, or making default to appear (Oath being made that the Party complained against had been served with such Summons, or that the same had been left at his, her, or their usual Dwelling or Place of Abode, if known), such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either by Confession of the Party or the Oath of any credible Witness, shall award and order such Satisfaction to be made by the Party or Parties complained against for the Damage so done, to the said Commissioners, or other Person or Persons thereby injured, as to such Justice shall appear just and reasonable; and in case the Sum awarded shall not be paid forthwith, it shall be lawful for such Justice and he is hereby required to cause the same to be levied and recovered in such and the same Manner as any Fine or Penalty is by this Act directed to be levied and recovered.

Streets to be watched, Watchmen to be appointed, &c.

LIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required from Time to Time to cause the said Streets, Lanes, Entries, and other public Passages and Places, or such of them within the said Borough as they shall think fit, to be safely and properly watched, and for that Purpose to appoint such Number of able-bodied Men as they shall judge proper to be employed as Watchmen and as Patrolmen, under such Regulations and subject to such Orders as the said Commissioners shall make and give from Time to Time in that behalf, and to provide proper Watch Houses, Watch Boxes, or Places for the Reception of such Watchmen and Patrolmen, and for the safe Custody of such Persons as may be apprehended by such Watchmen or Patrol whilst on Duty, and to pay such Watchmen or Patrolmen whilst on Duty reasonable Wages or Allowances, and also to appoint One or more Person or Persons in the Stead of any Watchman or Watchmen, Patrolman or Patrolmen, who shall die, or who shall be discharged from his or their Office by the said Commissioners, and also to impose from Time to Time any Fine not exceeding Forty Shillings on any Watchman or Patrolman for every Neglect or Misbehaviour (such Fine to be deducted out of the Wages

Wages of such Watchman or Patrolman), and from Time to Time to make such Orders and Regulations as they the said Commissioners shall deem expedient for the better Government of the Watchmen or Patrolmen to be so appointed as aforesaid, and to revoke or repeal such Orders and Regulations, or any of them, and to substitute others, and to give and allow out of the Monies to be raised by this Act such Rewards or Allowances as they shall think fit to any Watchman or Patrolman and others who may be disabled, or hurt, or wounded in the Execution of his or their Office or Duty.

LIV. And be it further enacted, That it shall be lawful for such Watchmen and Patrolmen, or any of them, and they are hereby required within their respective Stations, to apprehend and secure in some proper Place or Places of Security to be for that Purpose appointed, all Malefactors, Rogues, Vagabonds, idle and disorderly Persons, Disturbers of the public Peace, Prostitutes, and all suspected Persons who shall be found wandering or misbehaving themselves during the Hours of keeping Watch within the said Borough, and to conduct all such Persons as soon as conveniently may be before some Justice of the Peace for the said Borough, to be examined and dealt with according to Law.

Duty of Watchmen.

LV. And be it further enacted, That all Watchmen and Patrolmen shall be sworn in as Constables before any Justice or Justices of the Peace for the said Borough, and act as such whilst in the Execution of the Powers and Authorities of this Act, and they are hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, as any Constable or Constables is or are invested with or have and enjoy by Law.

Watchmen vested with the Powers of Constables.

LVI. And be it further enacted, That if any Victualler, Alehouse-keeper, or other Person or Persons selling spirituous or other Liquors, shall entertain or harbour in his or her House or Outhouses any Watchman or Night Patrol, during any of the Hours or Times appointed for the Attendance on Duty of such Watchmen or Night Patrol by virtue of this Act, every such Victualler or other Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on Persons harbouring Watchmen.

LVII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required to cause all the Streets, Lanes, Entries, and other public Passages and Places within the said Borough, or such of them as they shall think fit, to be properly cleansed and kept clean; and also to cause the said Streets, Lanes, Entries, and other public Passages and Places, or such of them as they shall think proper, to be watered from Time to Time; and for those Purposes to employ any Persons, and to purchase or hire any Carts or other Carriages, and also any Horses, and to cause the Dirt, Dust, Soil, Dung, Manure and Filth found in any such Streets, Lanes, Entries, and other public Passages and Places, to be taken and carried away.

Commissioners to direct Streets to be cleansed.

LVIII. And be it further enacted, That no Person or Persons shall at any Time hereafter make or cause to be made any Alteration in the Form of the Pavements or Pitching of the Carriageways or Footpaths within the said Borough, or break up any Part of the same for any Purpose whatever,

Pavement not to be altered without the Consent of the Commissioners.

[Local.]

without

without first obtaining the Consent of the said Commissioners, to be signified by Writing under the Hands of any Two or more of them, upon pain of forfeiting any Sum not exceeding Ten Pounds for every such Offence; and such Person or Persons so offending shall also pay to the Treasurer, or other Person appointed by the said Commissioners to receive the same, all the Costs, Charges, and Expences of restoring the Ground or Pavement of such Carriageway or Footway to its former State.

Commis-
sioners may
enter into
Contracts.

LIX. And be it further enacted, That it shall be lawful for the said Commissioners to enter into any Contract or Contracts for paving, flagging, lighting, cleansing, watering, amending, and improving the several Streets, Lanes, Entries, and other public Passages and Places within the said Borough, or for furnishing Materials or any other Matters or Things necessary for the Purposes of this Act; but before any such Contract shall be entered into, Fourteen Days Notice at the least shall be given on the Door of the Town Hall of the said Borough, and on the principal and outer Door of the Church of the said Borough, expressing the Purpose or Purposes of such Contract or Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose to the said Commissioners, and they the said Commissioners are hereby required to take Security from every such Contractor for the due Performance of his or her Contract: Provided always, that every such Contract shall specify the several Works to be done, and the Prices to be received or paid for the same, and the Time or Times when the said Works are to be completed, and the Penalties to be suffered in case of Nonperformance thereof, and shall be signed by the said Commissioners or any Five or more of them, and also by the Person or Persons contracting to perform such Works respectively; which Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Commissioners; provided also, that the said Commissioners, or their respective Estates, shall not be liable in their individual or personal Capacity to any Loss or Prejudice by reason of their signing any such Contract; and all Money which shall be expended by or recovered against any of the said Commissioners, or any Person or Persons employed by them, by means of any Action, Suit, Prosecution, or Appeal brought by or against them, or any of them, touching the Execution of this Act, shall be borne and defrayed by and out of the Monies raised by virtue of this Act: Provided nevertheless, that nothing herein contained shall extend to exonerate or discharge any of the said Commissioners, their Houses, Lands, Tenements, Hereditaments, Goods, Chattels, or Effects, from the Rates or Assessments to be raised by virtue of this Act: Provided also, that it shall be lawful to and for the said Commissioners from Time to Time, and at all Times hereafter, to compound and agree with any Person or Persons for or on account of any Breach or Nonperformance of such Contract or Contracts, at and for such Sum or Sums of Money, or upon such Terms and Conditions, as they the said Commissioners shall think proper.

Inhabitants
to sweep
Pavements
opposite
their
Houses.

LX. And be it further enacted, That the said respective Occupiers of Houses, or other Buildings or Tenements, with their Appurtenances, within the said Borough, shall and they are hereby required to cause to be well and sufficiently swept and cleansed the Footways and Foot Pavements before, behind, and at the Sides of their respective Houses or other Buildings (as the Situation thereof shall require) before Nine of the Clock in the

the Morning, Three Times or oftener in every Week, as the said Commissioners shall from Time to Time require and direct; and shall also cause the Dirt and Soil to arise from such sweeping and cleansing to be immediately collected and taken away, and also, in Times of Frost or Snow, shall cause all the Ice and Snow to be daily swept and removed away, upon pain of forfeiting for every Default or Neglect therein, any Sum not exceeding Twenty Shillings.

LXI. And be it further enacted, That if any Person or Persons other than the Occupiers of such Houses or other Buildings or Tenements, or the Person or Persons employed by or contracting with the said Commissioners for cleansing the said Streets, Lanes, Entries, and other public Passages and Places, or the Person or Persons employed by or acting under the Direction of the Person or Persons so contracting, shall take or carry away or cause to be taken and carried away any Dust, Dung, Manure, Dirt, Ashes, or other Filth out of any of the Streets, Lanes, Entries, and other public Passages and Places, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings: Provided always, that nothing herein contained shall hinder or prevent the Owner of any such Dust, Dung, Manure, Dirt, Ashes, or other Filth, from retaining the same for his, her, or their own Use and Benefit, or from removing and carrying away the same at his, her, or their free Will and Pleasure.

No Person to take away Dirt but Contractors.

LXII. Provided always, and be it further enacted, That in case any Person or Persons reserving Ashes, Cinders, Dung, Dirt, Manure, Filth, Soil, or Rubbish for his, her, or their own Use, or otherwise, shall permit or suffer the same after being removed from his, her, or their Premises to lay in any of the said Streets, Lanes, Entries, and other public Passages and Places, for any longer Time than shall be necessary for the Purpose of loading and carrying away the same, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and it shall be lawful for the Person or Persons to be appointed by or contracting with the said Commissioners for cleansing the said Streets, Lanes, Entries, and other public Passages and Places, and they are hereby authorized and directed to take and convert such Ashes, Cinders, Dust, Dirt, Manure, Filth, Soil, Dung and Rubbish, to his and their own Use and Uses, and to sell and dispose of the same, without rendering any Satisfaction for the same.

Persons reserving Ashes for their own Use, not to suffer the same to remain in Streets, &c.

LXIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to hire any Room or Building as they shall think fit, in any convenient Part or Parts within the said Borough, for the Purpose of making use thereof as and for an Office or Offices for the keeping their Accounts, holding their Meetings, and transacting the Business relating to this Act, and as a Storehouse or Storehouses for keeping their Implements and Materials, and for other Purposes of this Act, and to pay out of the Money to arise by virtue of this Act such Rent or Rents as they the said Commissioners shall from Time to Time agree upon, and also to accept and take a Lease of such Room, Building or Buildings, to themselves or any of them, or any Person or Persons in trust for them, for any Term or Number of Years, at and under such Rent or Rents as they

Commissioners may hire Room, Office, and Storehouse.

they shall from Time to Time think fit, and to pay such Rent or Rents out of the Monies aforesaid.

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

LXIV. And be it further enacted, That it shall be lawful for the said Commissioners to cause to be painted, engraved, or otherwise described, and placed on a conspicuous Part or Parts of any House or Houses, Building or Buildings, at or near each End, Corner, or Entrance of every Street, Lane, Entry, and every other public Passage or Place within the said Borough of *Banbury*, the Name by which such Street, Lane, Entry, or other public Passage or Place now is or shall be called or known, and also to cause every House and Building in the several Streets, Lanes, Entries, and other public Passages and Places within the said Borough, 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 from Time to Time to vary and renew the same Names, Numbers, and Figures, as occasion may require; and if any Person shall wilfully destroy, obliterate, deface, remove or (without the Consent of the said Commissioners first obtained) alter any such Name, Number, or Figure, or any Part thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Materials,
&c. vested
in Commis-
sioners.

LXV. And be it further enacted, That all the Dirt, Dust, Dung, Ashes, and Filth to be swept, gathered, and collected in or from the said Streets, Ways, Lanes, Entries, and other public Passages and Places within the said Borough, or any of them, and also all paving Stones and Pipes, and all Lamps, Lamp Irons, Lamp Posts, and other Materials thereunto belonging, Watch Boxes and Watch Houses, and other Houses and Buildings, and all other Matters, Implements, Materials and Things, which shall be purchased or provided by the said Commissioners for the Purposes of this Act, shall belong to and be the Property of, and are hereby vested in the Commissioners for executing this Act; and the said Commissioners shall and may cause to be brought, maintained, and preferred, any Action or Actions, Bill or Bills of Indictment, as the Case may require, against any Person or Persons who shall steal, take, or carry away, detain, spoil, injure, 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 deemed and taken to be sufficient to state generally that the Article or Articles, Matter or Matters, 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 paving, cleansing, lighting, watching, and otherwise improving the Borough of *Banbury* in the County of *Oxford*, without particularly stating or specifying the Name or Names of all or any of the said Commissioners; and the said Commissioners shall have Power and Authority from Time to Time to sell and dispose of, for the Purposes of this Act, all or any of the said Articles, Matters, and Things as shall at any Time hereafter not be wanted for the Purposes of this Act, or any Part or Parts of the same respectively, to such Person or Persons, and in such Manner as the said Commissioners shall think proper, and shall apply the Money to arise thereby towards the Purposes of this Act; and if any Person shall maliciously or wilfully break up, injure, destroy, or otherwise damage any
Articles,

Articles, Matters, or Things hereby vested in the said Commissioners, or to be affixed, placed, or laid by their Direction or Authority, or in compliance with any Contract or Agreement to be made or entered into by or between the said Commissioners, or any Person or Persons whomsoever, or any of the Works to be done in pursuance of this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXVI. And for raising Money for defraying the Expences attending the obtaining this Act, and carrying into Execution the several Purposes thereof, be it further enacted, That the said Commissioners shall and they are hereby authorized, empowered, and required, when and as often as they shall think necessary, to make one or more Rate or Rates, Assessment or Assessments, once or oftener in every Year from the Time of the passing of this Act, as they shall judge necessary (such Rates and Assessments to be signed by the said Commissioners), upon the Tenants or Occupiers of all Dwelling Houses, Shops, Workhouses, Workshops, Mills, Warehouses, Coach Houses, Stables, and other Buildings, Cellars, and Vaults within the said Borough, and upon the several Gardens or Yards thereto respectively belonging, according to the annual Value of the same respectively, such Rate or Rates, Assessment or Assessments, not to exceed in any one Year the Sum of Four Shillings and Sixpence in the Pound; and the Money or Monies so rated or assessed on such Premises and Property shall be paid by the Tenants or Occupiers thereof respectively to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners to collect the same; and if any Tenant or Occupier of any such Premises shall neglect or refuse to pay his or her Proportion or Proportions of any of the said Rates or Assessments respectively to the said Collectors, or other Person or Persons appointed by the said Commissioners to collect the same, for the Space of Fourteen Days after Demand made thereof at the Dwelling House or usual Place of Abode of such Tenant or Occupier, the same shall be levied and recovered on and from such Tenant or Occupier so neglecting or refusing, by Distress and Sale of his or her Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace acting for the said Borough, such Defaulter having been first duly summoned by such Justice or Justices to appear before him or them, at a Time and Place to be mentioned in such Summons, to show Cause for such Neglect or Refusal, and the Overplus (if any) of the Monies to be raised by such Distress and Sale shall be returned on Demand to the Owner or Owners of the Goods and Chattels so distrained and sold, together with such Goods and Chattels as shall remain unsold, after deducting all Costs, Charges, and Expences, to be ascertained and determined by the said Justice or Justices; and in default of sufficient Property whereon to levy such Distress, it shall be lawful for any Justice or Justices to commit such Person to the Common Gaol for the said Borough, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless Payment of such Sum or Sums of Money as shall have been found to be due and in arrear upon all or any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences, incident to and attending the Recovery thereof (such Costs, Charges, and Expences to be ascertained and directed by the said Justice or Justices) shall be sooner made.

Commis-
sioners may
make Rates.

Exemption
from Rates.

LXVII. Provided always, and be it further enacted, That none of the Rates or Assessments which shall be made by virtue of this Act shall be laid upon or in respect of the Tolls of the Fairs or Markets, nor in respect of Public or Charity Schools, or in respect of the Common Gaol or Town Hall, or the Workhouse of the said Borough.

Rates to be
in lieu of the
Assessments
to the High-
ways.

LXVIII. And be it further enacted, That the Rate or Rates last hereinafore mentioned shall be in lieu of all other Rates, Assessment, and Burthens whatsoever, to which the Inhabitants of the said Borough are liable in respect of the Repair of the Highways within the said Borough.

Recovery of
Rates from
Persons
quitting.

LXIX. And be it further enacted, That in case any Person who shall be rated or assessed for the Purposes of this Act, or any of them, shall quit his, her, or their Premises, whereon any Rate or Assessment shall be made by virtue of this Act, before he, she, or they shall have paid such Rate, and shall afterwards refuse or neglect to pay the same for the Space of Seven Days next after Demand thereof made by any Collector or Collectors appointed in pursuance of this Act, it shall be lawful for any Justice of the Peace for the said Borough, upon any Information or Complaint of such Collector or Collectors in Writing of such Demand and Refusal or Neglect, to summon such Person or Persons to appear before him, or any other Justice of the Peace for the said Borough, and upon the Appearance or Nonappearance of such Person or Persons, it shall be lawful for such Justice to hear and determine the Matter of such Complaint in a summary Way, and to give a Judgment for the Amount of such Rate or Assessment, or so much thereof as shall appear to the said Justice to be then remaining due and unpaid, and by Warrant under his Hand and Seal, (which he is hereby authorized and required to grant), to levy the same, or so much thereof as shall remain unpaid, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting, together with the Costs and Charges in the Premises.

Persons re-
moving to
pay in pro-
portion.

LXX. And be it further enacted, That in all Cases where any Person or Persons shall remove or quit the Possession of any Tenements or Hereditaments, the Tenant or Occupier whereof shall be rated or assessed, or be liable to be rated or assessed by virtue of this Act, every such Person or Persons so removing from or quitting the same shall be liable to pay such Rate or Assessment in proportion to the Time that such Person or Persons occupied the same respectively, and in like manner as if such Person or Persons had not removed from or quitted the Possession of the same; and in all Cases where any Person or Persons shall come into or occupy any Tenement or Hereditament rated or assessed or liable to be rated or assessed as aforesaid, out of or from which any other Person or Persons shall have removed, or which at the Time of the making any such Rate or Assessment was empty and unoccupied, the Person or Persons coming into or occupying the same shall be liable to pay such Rate or Assessment, although his, her, or their Name or Names may not be inserted in such Rate or Assessment, in proportion to the Time that such Person or Persons shall occupy the same respectively, and in like manner as if such Person or Persons had been originally rated or assessed by Name in such Rate or Rates, Assessment or Assessments; which

which said Proportions in case of Dispute shall be settled and ascertained by the said Commissioners.

LXXI. And be it further enacted, That the Lessee, Landlord, or Owner of all Houses, Buildings, or Tenements within the said Borough, which is or shall or may be let out ready-furnished, or in separate Apartments, Rooms, or Floors, shall be liable and subject to the Rates or Assessments directed by this Act to be made, raised, and levied, according to the yearly Value of the Premises; and every such Lessee, Landlord, or Owner, and all and every Person or Persons renting or occupying any such ready-furnished House or separate Apartments, Rooms, or Floors, as aforesaid, shall be liable and compellable to pay the said Rates and Assessments, to be recovered in manner herein directed; and every such Tenant or Occupier who shall pay any such Rate or Assessment, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same from and out of the next Rent due and payable from him or them to such respective Lessee, Landlord, or Owner, and the Receipt for such Payment shall be a sufficient Discharge for such Tenant or Occupier, to his or her Landlord, for so much Money as he or she shall pay, or as shall be levied on him or her by virtue of this Act; but no such Tenant or Occupier shall at any Time be required to pay, or be subject or liable to pay any greater Sum for or towards the Discharge of the said Rates or Assessments, or any of them, and Arrears thereof, than the Amount of the Rent actually due and payable by such Tenant or Occupier to the Lessee, Landlord, or Owner of the Premises so let out ready-furnished, or in separate Apartments, Rooms, or Floors, to him or her: Provided always, that nothing herein contained shall extend to prejudice or vacate any Agreement between Landlords and Tenants.

LXXII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, upon the Complaint of any Occupier of any Dwelling House, or other Hereditaments subject to the Payment of the said Rates or Assessments, to mitigate, reduce, lessen, remit, or excuse, for or on account of his or her Poverty or Inability only, Payment of that Part of the said Rate or Assessment which by this Act is made payable by such Occupier for such Dwelling House or other Hereditaments, in such manner as the said Commissioners shall in their Discretion think just and reasonable.

LXXIII. 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 which shall be made in pursuance of this Act, he, she, or they may appeal to the said Commissioners at their First or Second Meeting to be holden after the demanding of such Rate or Assessment, and the said Commissioners are hereby authorized and empowered, if they shall think fit, to give such Relief in the Premises as to them shall seem reasonable; and if any Person or Persons shall be dissatisfied with the Determination of the said Commissioners therein, he, she, or they may appeal in the Manner herein-before mentioned to the General or Quarter Sessions of the Peace to be holden for the said Borough, or for the County of *Oxford*, at the Option of the Person or Persons aggrieved, whose Determination therein shall be final and conclusive.

LXXIV. And

Rate Book
to be re-
ceived as
Evidence.

LXXIV. And be it further enacted, That the Books of Rates to be delivered to the Collectors or other Officers by the said Commissioners, and all Entries afterwards made therein, or examined Copies thereof respectively, being signed by any Three or more of the said Commissioners, shall be received as Evidence of the Rates imposed by virtue of this Act, and of the Payment of such of them, or any Part thereof, as shall by such Entries appear to have been paid to such Collectors.

Commis-
sioners may
borrow
Money.

LXXV. And for the more speedy and effectual raising of Money for the Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered from Time to Time to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the whole the Sum of Four thousand five hundred Pounds, upon the Credit of the Rates or Assessments to be laid and collected by virtue of this Act, and by Writing under their Hands and Seals to mortgage or assign over the said Rates or Assessments; or any Part thereof, to the Person or Persons who shall advance or lend such Money, or his, her, or their Trustee or Trustees, as a Security for the Money so to be borrowed, together with Interest for the same; and every such Mortgage or Assignment may be made according to the Form or to the Effect following; (that is to say),

Form of
Mortgage.

‘ BY virtue of an Act passed in the Sixth Year of the Reign of His
‘ Majesty King *George* the Fourth, intituled [*here set forth the Title of*
‘ *this Act,*] we _____ of the Commissioners appointed by or
‘ by virtue of the said Act, in consideration of the Sum of
‘ _____ paid to us by _____ [*insert the Name, Place of*
‘ *Abode, and other necessary Addition of the Lender*] for the Purposes of the
‘ said Act, do grant and assign unto the said _____ his Executors,
‘ Administrators, and Assigns, [*or to his Trustee or Trustees, as the Case may*
‘ *require*] such Portion of the Rates or Assessments arising by virtue of
‘ the said Act, as the said Sum of _____ doth or shall bear
‘ to the whole Sum which is or shall be borrowed upon the Credit of
‘ the said Rates, or Assessments; to be had and holden from this Day
‘ until the said Sum of _____ with Interest for the same
‘ at the Rate of _____ *per Centum per Annum*, to be paid
‘ _____ shall be fully repaid and satisfied. In witness whereof
‘ we have hereunto set our Hands and Seals, this _____ Day
‘ of _____ in the Year of our Lord _____.

And every such Mortgage or Assignment shall be good and effectual in the Law.

Mode of
transferring
Securities.

LXXVI. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money borrowed, by Writing under their Hands to transfer the same respectively to any Person or Persons, according to the Form or to the Effect following; (that is to say),

Form of
Transfer.

‘ I _____ [*insert the Name, Place of Abode, and other necessary Addition of*
‘ *the Persons assigning*], do hereby assign the within Mortgage, and all
‘ my Right and Title in and to the Principal Money and Interest, and all
‘ Arrears now due thereon and thereby secured, unto _____ [*insert*
‘ *the Name, Place of Abode, and Addition of the intended Assignee,*] his
‘ Admi-

Executors, Administrators, and Assigns. Dated this _____ Day of _____
in the Year of our Lord _____

And Entries or Memorials of all such Mortgages or Assignments as shall be made in pursuance of this Act, and of all Transfers thereof, expressing in Words at Length the Names and other necessary Additions, and also the Places of Abode and other necessary Descriptions of all such Persons as shall from Time to Time be entitled to the Principal Money and Interest thereby secured, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, to which Book any Person interested shall at all Times have Access, and shall at all Times have free Liberty to inspect the same without Fee or Reward; and for every Entry of such Transfer or Assignment the said Clerk shall be paid Two Shillings and Sixpence, and no more; and every such Transfer and Assignment, after such Entry thereof as aforesaid, shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, or Assigns, to the Benefit of the Security thereby transferred; and all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments equally one with another, without any Preference in respect to the Priority of advancing such Money, or the Dates of any such Mortgages or Assignments respectively.

Mortgages and Transfers to be entered.

LXXVII. And be it further enacted, That all the Money to arise by the said Rates or Assessments, and other Monies hereby granted, or to be levied or recovered by virtue of this Act, and which may be borrowed on the Credit thereof, shall be paid by the Treasurer to the said Commissioners, or to such other Person or Persons as they shall appoint, and shall be applied and disposed of, in the first place, in paying and defraying the Charges and Expences which shall be incident to and attending the obtaining and passing of this Act, in the next place in paying and discharging the Interest of the Monies which shall be borrowed under this Act, and in the next place in providing for the Sinking Fund herein-after mentioned, and then from Time to Time in defraying the Charges and Expences of paving, cleansing, lighting, watching, regulating, repairing, amending, and otherwise improving the Streets, Lanes, Entries, Carriageways, Footways, and other public Passages and Places of and in the said Borough, and in paying and defraying all other Expences which the said Commissioners and other Officers shall necessarily sustain and be put unto in carrying this Act into Execution, or in prosecuting or defending any Prosecutions, Actions, or Suits in any Manner relative to the Execution of this Act, or of any thing to be done under or by virtue of the same, and for such other Uses and Purposes as are herein expressed.

Application of Money raised by Commissioners.

LXXVIII. Provided always, and be it further enacted, That as often as the clear Money collected from any Rate or Rates to be made in any One Year in pursuance of this Act shall amount, over and above the Costs, Charges, and Expences of making, establishing, and collecting such Rate or Rates, to more than the Sum of One thousand two hundred and forty-five Pounds, the Money so collected over and above that Sum shall, if the same shall amount to no more than the Sum of Fifty Pounds, go in aid of the Sinking Fund herein-after mentioned, and if the same shall amount to

Directing how Rates are to be applied if they exceed a certain Sum.

[Local.]

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more

more than Fifty Pounds, the Sum of Fifty Pounds, Part thereof, shall be so applied, and the Remainder thereof shall not be disposed of for the Purposes of this Act, but shall be paid to the Churchwardens and Overseers of the Poor of the said Borough, to be by them applied in aid of the Poor's Rates; provided also, that when all the Monies borrowed by virtue of the Powers contained in this Act, and the Interest thereof, shall be paid off, the whole of any such Surplus as aforesaid shall be paid to the said Churchwardens and Overseers, to be applied in aid of the said Poor's Rates.

Sinking Fund
to be set
apart.

LXXIX. And be it further enacted, That the said Commissioners shall, by and out of the Monies to be raised by virtue of this Act, after paying or providing for the Interest of the Monies to be borrowed as aforesaid, and before and in preference to any other Payment whatsoever, except the Expences of obtaining this Act, annually set apart the Sum of One hundred Pounds, clear of all Deductions whatsoever, as a Sinking Fund for the gradual Discharge of the Principal Monies borrowed; and every Sum so to be set apart as aforesaid shall forthwith be applied in discharge of an equal Amount of Money borrowed, to some Creditor or Creditors to whom the same shall be due, by Lot.

Water from
Roofs of
Buildings to
be carried off
by Trunks or
Pipes.

LXXX. 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 or next adjoining any Street, Lane, Road, or other public Place in the said Borough, which has not already a Pipe or Trunk of the Description herein-after mentioned, shall, within Six Calendar Months after the passing of this Act, put up and place, and for ever afterwards keep in repair and in good Condition, a Gutter or Watershoot of the Length of such Front or next adjoining Part, 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 all the Water from the Roof of such House or Building, in such manner that such Water shall pass under the Pavement into the common Channel, and so as not to drip from the Eaves of such House or Building upon or to incommode the Persons passing such House or Building; and every Tenant or Occupier of any such House or Building (except Houses or Buildings held on Lease granted for any Term of Twenty-one Years or upwards, of which Seven Years shall be unexpired), who shall put up or place any such Gutter, Watershoot, Pipe, or Trunk, or keep the same in repair, in default of the same being done by his, her, or their Landlord or Landlords, 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 Gutter, Watershoot, Pipe, or Trunk, and the Payment of such Expences by any such Tenant or Occupier shall be a sufficient Discharge to 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, 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, at the Expiration of the said Six Calendar Months before mentioned, neglect to put up or place, or neglect to repair any Gutter, Watershoot, Pipe, or Trunk, or shall neglect to prevent the Water from dripping from the Eaves of such House or Building as aforesaid,

said, then and in any and in every such Case such Owner or Owners, Proprietor or Proprietors, Occupier or Occupiers so neglecting, shall forfeit and pay the Sum of Ten Shillings for each and every Week during the Continuance of such Neglect, to be recovered in like manner as other Penalties or Forfeitures are by this Act authorized to be recovered, and when recovered the same shall be paid to the Treasurer or Treasurers of the said Commissioners, to be applied to the Purposes of this Act: Provided always, that the Person or Persons who for the Time being shall be entitled to any Term of Years in any such House or Building originally granted for Twenty-one Years or upwards, and having an unexpired Term of Seven Years, shall, as to the Payment of such aforesaid Expences, be considered the Owner or Owners of such House or Building.

LXXXI. And be it further enacted, That where any Opening is now or may hereafter be made in the Paving or Flagging of any of the said Streets, Lanes, Entries, or other public Passages or Places, as an Entrance into or for the Purpose of carrying Coals or other Articles into any Vault or Cellar, whether such Vault or Cellar be inhabited or uninhabited, or for the Purpose of conveying Light into any Room or Cellar, or for any other Purpose, the Door, Lid or Lids, Flap or Flaps, Covering or Gratings to such Openings, shall be made, at the Expence of the Occupier of the Cellar, Kitchen, Building, or other Premises to which such Opening shall communicate, of Iron or such other Materials, and of such Dimensions, and in such Manner and Form as the said Commissioners shall approve of; and every such Door, Lid, Flap, Grating, or Covering shall from Time to Time be repaired, varied, and altered, at the like Expence of the Person or Persons for whose Use and Benefit the same shall be possessed and enjoyed, and in such Manner and Form as the said Commissioners shall direct or appoint; and in case any Person shall cause any such Grating or Covering to be made, repaired, varied, or altered contrary to, or shall neglect or refuse to make, repair, vary, or alter any such Grating or Covering consistently with such Direction or Appointment as aforesaid, or shall cause or permit any such Cellar Door, Cellar Lid, Flap, or Cover within the said Borough so to be left open, or not properly secured or fastened, at any Time between Sun-setting and Sun-rising, on any Pretence whatsoever, without the same being well and sufficiently lighted and guarded, so as to prevent Accidents from happening, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, and also any further Sum not exceeding Forty Shillings for every Week the said Offence shall be continued.

Regulating
Cellar Doors
or Flaps.

LXXXII. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, Gardens, and Lands within the said Borough, and every of them, are hereby respectively directed and required, at their own Costs and Expences, within Ten Days next after receiving Notice in Writing from the said Commissioners, signed by any one or more of them, to cause all such of the Doors and Gates leading into the several Houses, Buildings, Yards, Gardens, and Lands in their respective Occupations, which do now or shall hereafter open outwards upon or over any Footpath, in any of the Streets, Lanes, Entries, and other public Passages and Places within the said Borough, to be altered, so as that the same Doors and Gates shall thenceforward open inwards, and into their respective Premises, or so as that the same shall not cause any Obstruction to the public

Doors and
Gates to
open
inwards.

public Passage; and if any such Occupier shall neglect or refuse to make the Alteration so required by the said Commissioners within the Period specified in such Notice, such Occupier shall forfeit and pay the Sum of Ten Shillings a Day for every Day during which such Gate or Door shall be suffered to remain opening outwards, or occasioning Obstruction as aforesaid, after the Expiration of the Time aforesaid in such Notice.

Penalty on
obstructing
Causeways.

LXXXIII. And be it further enacted, That if any Person shall within the said Borough, upon any of the Footways or Foot Pavements, in any of the Streets, Lanes, Entries, or any other public Passages and Places, run, draw, drive, or carry any Wheelsledge, Wheelbarrow, Handbarrow, Bier, or Carriage whatsoever, or roll any Cask or Tub, other than for the necessary loading and unloading thereof, upon, from, or out of any Carriage Road or Footway, further than the Extent of the Premises in the Occupation of the Person from or to whose House or Premises such Cask or Tub shall be rolled; or if any Person shall wilfully drive any Cart or Carriage whatsoever, or shall ride, lead, or drive any Horse or other Beast, or any Cattle whatsoever, on any of the said Footways or Foot Pavements, or shall exercise any Horse in or upon any of the Streets, Lanes, Entries, or other public Passages or Places of the said Borough, or set up, affix, or use any Stall, or shall tie or fasten any Horse or other Beast or Cattle to any House, Wall, Post, Tree, or any other Thing whatsoever, across any of the said Pavements or Footways, Standing Block or Working Place thereon, or so near thereto as to obstruct the passing thereon, or put or place any Cask, Tub, Pail, Bucket, Stool, Bench, Stall, or any other Matter or Thing, and suffer it to remain so as in any manner to cause any Obstruction or Impediment in the Footway or on the Foot Pavement, or shall, in any Street, Lane, Entry, or other public Passage or Place within the said Borough, hoop, fire, cleanse, wash, or scald any Cask or Tub, or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber, or make or repair any Coach, Chaise, Waggon, Sledge, or other Carriage (except such as may want immediate Repair from any sudden Accident happening on the Spot, or which cannot be conveniently removed for that Purpose, such unavoidable Repair to be done and completed with all convenient Speed); or if any Person shall hang out or cause to be hung out any Linen or Cloth, or any Article of Wearing Apparel or other Article, for the Purpose of Sale, or of airing the same, upon or from any Door or Window within any Street, Lane, Entry, or other public Passage or Place within the said Borough, or fix or tie up any Line, Rope, or Cord, or other Things, for any such Purpose, in or upon any of the said Streets, Lanes, Entries, or other public Passages or Places, or shall fix up any Flowerpot or Boughpot at any Window, without sufficiently guarding the same, so as to prevent their being blown down or thrown down; or if any Person shall erect, set up, or place any Blind, Shade, Coverlid or Awning, or any other Matter or Thing, in the Front of or before any House, Shop, or other Building, so as in any way to cause an Obstruction or Impediment in the Pavements, Flagging, or Footways; or if any Person shall, in or upon any such Street, Lane, Entry, or other public Passage or Place, shoe, bleed, farry, or kill any Horse or other Beast or Cattle (except in case of Accident); or if any Person shall, within any such Street, Lane, Entry, or other public Passage or Place, show or expose any Stallion (except for the Purpose of Sale); or if any Person shall, within any such Street, Lane, Entry, or other public Passage

or

or Place, show or expose to sale any Horse or other Beast (the Market Days and the Days allowed for the holding of Fairs only excepted), or turn loose any Horse, Mule, Ass, Pig, or other Beast; or if any Person shall make or assist in the making any Bonfire, or shall wantonly let off or discharge any Gun, Pistol, Blunderbuss or other Fire-arms, except in case of necessary Defence, or shall wantonly let off any Serpent or Rocket, or throw any Cracker, Squib, or other Fireworks, or shall slide on any of the Pavements or Footways, or play at Football, Bandy, or any other Game or Games, or make any Noise with Horns or other Thing or Things, to the Annoyance of any Inhabitant or Passenger, or fly any Kite or Kites, or shall wilfully break, or aid, abet, or assist in wilfully breaking or injuring any Glass Pane or Window Panes, or Windows, in or belonging to any Dwelling House or other Building; or if any Person shall kill or slaughter, or shall scald, singe, dress, or cut up any Pig or other Animal, either wholly or in part, in any of such Streets, Lanes, or other public Passages and Places, or cause or permit any Blood to run from any Slaughter-house, Butcher's Shop, or Shambles into the same or any of them, or shall for the Purpose of obtaining or collecting Manure, or for any other Purpose, stop up or impede the Passage of any Common Sewer, Ditch, or Watercourse, or shall empty, convey, or discharge any Filth or Rubbish into any Common Sewer or public Drain, or shall throw any dead Animal or Carcase, or other Offal or Filth, into any public or private Well, Pump, Pool, or Reservoir for Water; or if any Person or Persons shall permit or suffer his, her, or their Mastiff, Bulldog, or any other dangerous Animal to go at large without being safely and sufficiently muzzled, or shall permit or suffer any Dog whatsoever to go at large in any of the said Streets, Lanes, or other public Passages or Places, after public Notice given by the Town Crier or Bellman, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of the Existence of canine Madness; or if the Driver of any Waggon, Cart, or other Carriage, shall, in any of the said Streets, Lanes, Entries, or other public Passages or Places, ride on the Shafts or in or upon any Part of such Waggon, Cart, or other Carriage, without Reins, or on any of the Horses or Cattle drawing the same; or if any Person riding any Horse or Beast, or driving any sort of Carriage, shall ride or drive the same furiously so as to endanger the Life or Limb of any Passenger; or if any Person or Persons shall wilfully hinder, obstruct, or prevent the free Passage of any of the said Streets, Lanes, Entries, Ways, Footways, or other public Passages and Places; or if any Person, meeting another Coach, Chaise, Waggon, Cart, or other Carriage, shall not keep his or her Carriage on the Left or Near Side of the Road; or if any Person, being the Owner or Driver of any Stage Coach, Post Chaise, or other Carriage let out to hire, shall permit the same to remain longer than may be necessary for the taking up or setting down of any Passenger, or for the loading or unloading their Baggage; or if any Person or Persons having the Care of or driving any Waggon, Cart, Sledge, or other Carriage, (not being a Cart or Caravan driven by a Person with Reins and sitting therein), shall not readily and promptly turn out of the Road on meeting or being overtaken by any Horse or Carriage, Horses or Carriages, so as to leave proper and sufficient Quarter for such Horse or Carriage, Horses or Carriages; or if any Person or Persons whatsoever shall commit or permit any other kind of Obstruction or Annoyance in or upon any Street, Lane, Entry, or other public Passage or Place within the said Borough; every Person so offend-

[Local.]

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ing (or the Owner or Proprietor of any such Horse, Beast, Cattle, Carriage, Goods, Matters, or Things as aforesaid, in any Case where the Person actually offending cannot be detained or discovered), shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for any Officer appointed by virtue of this Act, or for any Constable or other Peace Officer, to take away and remove any of the before-mentioned Obstructions, in case the Party occasioning the same shall not remove the same within a reasonable Time after being required so to do by any Person or Persons whomsoever; and it shall be lawful for any Constable or other Peace Officer, or any one of the said Commissioners, or any Officer or other Person acting by or under their Authority, by virtue of this Act, and without any Warrant whatsoever, to seize and apprehend any such Offender or Offenders as aforesaid, and forthwith to convey him, her, or them before some Justice of the Peace for the said Borough, in order to his, her, or their Conviction of such Offence.

Builders, &c.
permitted
to place
Building
Materials.

LXXXIV. Provided also, and be it further enacted, That no Person shall be subject to any Penalty by virtue of this Act for or on account of any Building Materials, Rubbish, or Dirt being in or upon any of the said Streets, Lanes, Entries, or other public Passages or Places, before or near the House or Building of such Person, occasioned by the building or pulling down, rebuilding or repairing such House or Building, so as there be convenient Room left for Carriages to pass, and a sufficient Way kept clean for Foot Passengers, and so as the Owner or Occupier of such House or Building do cause such Materials, Rubbish, and Dirt to be removed out of the said Streets, Lanes, Entries, or other public Passages and Places within a reasonable Time after such building, pulling down, or repairing shall be finished, or upon Notice to be given to him or her, signed by any Two of the said Commissioners or their Clerk or Surveyor, and so that during the Time the same shall be lying in such Street, Lane, Entry, or other public Passage and Place, such Owner or Occupier shall guard and fence off the same either by a temporary Railing or otherwise, and also set up and maintain a sufficient Light or Lights during the whole of the Night-time to the Satisfaction of the said Commissioners, to prevent Accidents and Mischief happening therefrom: Provided also, that in case any Person so placing such Materials, Rubbish, or Dirt in any of the said Streets, Lanes, Entries, or other public Passages or Places, shall not during the whole of the Night effectually guard and fence off the same, and also set up and maintain a sufficient Number of Lights so as to prevent Accidents or Mischief happening therefrom, such Person shall forfeit and pay for any such Offence any Sum not exceeding Ten Pounds.

Directions
for the
Removal of
Signs, &c.

LXXXV. And be it further enacted, That the several and respective Occupiers of Houses and other Buildings situate in or adjoining to the several Streets, Lanes, Roads, Passages, and other public Places within the said Borough, 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 signed by the Clerk of the said Commissioners in pursuance of an Order at any Meeting of the said Commissioners, to cause all Signs, Sign Irons, Sign Posts, Barbers Poles, Stalls, Blocks, Bulks, Scrapers, Show Boards, Butchers Hooks, Spouts, and Water Pipes, which now are or hereafter shall be in 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 encroaching upon or otherwise annoying or endangering the public Passage along any of the Streets, Lanes, Roads, Passages, or other public Places within the said Borough, or obstructing the Lights to be put up in pursuance of this Act, to be taken down, removed, and carried away, or otherwise altered or reformed in such a 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, Scraper, 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, within such Time and in such Manner as in such Notice shall be directed, then and in 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 Borough, 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.

LXXXVI. And be it further enacted, That no Necessary House or Bog House, Dunghill or Midden, within the said Borough, shall be emptied at any other Time than between the Hours of Ten of the Clock at Night and Five of the Clock in the Morning in Summer, and the same Hour at Night and Six of the Clock in the Morning in Winter, unless ordered by the said Commissioners; nor shall the Soil or Dirt taken therefrom be permitted or suffered to remain after that Time in any of the Streets, Roads, Lanes, Entries, public Passages or Places within the said Borough; and if any Person or Persons shall empty any such Necessary House or Bog House, Dunghill or Midden, at any other Times than as aforesaid, or permit or suffer the Soil or Dirt taken therefrom to remain in any of the said Streets, Roads, Lanes, Entries, public Passages or Places, after the Times herein-before limited for that Purpose, unless on such Order as aforesaid, or shall spill any of the Soil of any Necessary House or Bog House, Dunghill or Midden, in any of the Streets, Lanes, Entries, public Passages or Places, or into any of the Drains within the said Borough, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for emptying Privies, except at stated Times.

LXXXVII. And be it further enacted, That if any Building hereafter to be erected in the said Borough shall be covered with Thatch, the Owner or Owners thereof shall for so covering the same forfeit and pay the Sum of Five Pounds, and the further Sum of Ten Shillings for every Week such Building shall continue with such Covering.

Buildings to be erected not to be covered with Thatch.

LXXXVIII. And be it further enacted, That if any Horse, Ass, Mule, Swine, or other Beast or Cattle, shall be found straying in any of the Streets and other public Passages and Places within the said Borough, it shall be lawful for any Officer or Officers appointed by the said Commissioners to impound any such Horse, Ass, Mule, Swine, Beast, or other Cattle found straying as aforesaid, in the Common Pound which shall or may be erected by virtue of this Act, or in such other Place as shall be provided

Cattle straying.

provided from Time to Time for that Purpose by the said Commissioners, and to detain the same in such Pound or Pounds, or other Places as aforesaid, until the Expence of impounding and keeping the said Cattle in Pound shall be fully paid and satisfied; and if in any such Case the said Expences shall not be paid within Five Days next after such Horse, Ass, Mule, Swine, Beast, or other Cattle shall be so impounded, it shall be lawful for any Person or Persons who shall be appointed by the said Commissioners for that Purpose to cause the same to be sold, after giving Three Days Notice of such intended Sale by the Town Crier or Bellman, and the Costs and Charges of impounding and keeping such Horse, Ass, Mule, Swine, Beast, or Cattle in Pound, and of selling the same, shall be defrayed by such Sale, and the Overplus (if any) of the Monies arising by such Sale shall be paid to the Owner or Owners of the said Horse, Ass, Mule, Swine, Beast, or Cattle, upon Demand.

Punishment
of Persons
guilty of
Pound-
breach.

LXXXIX. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Horse, Ass, Swine, or other Beast or Cattle, which shall be seized for the Purpose of being impounded under the Authority of this Act from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release or attempt to rescue or release any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse, Ass, Swine, or other Beast or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the said Borough, either on Confession of the Party or Parties offending, or upon the Oath of One credible Witness, (and which Oath the said Justice is hereby authorized and empowered to administer,) be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol of the said Borough, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Penalty on
obstructing
Officers in
the Execution
of this Act.

XC. And be it further enacted, That if any Person or Persons shall at any Time or Times hereafter hinder or molest the Collector or Collectors, or other Officer or Officers, or any Workman or Workmen, or any other Person or Persons whomsoever, who shall be employed by virtue of this Act, or in any manner concerned in the Execution thereof, in the Performance and Execution of his or their Duty or Work, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Commis-
sioners may
reward
Informers.

XCI. And be it further enacted, That it shall be lawful for the said Commissioners to reward any Informer or Informers as they shall think proper, so that such Reward does not exceed one Moiety of the Penalty or Forfeiture proved by the Information of such Informer or Informers to have been incurred, any thing herein contained to the contrary notwithstanding.

Witnesses
not appear-
ing, or re-
fusing to be
examined.

XCII. 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

for any Offence against this Act, 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 Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds, to be recovered as other Fines and Penalties are by this Act recoverable.

XCIII. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Commissioners, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made from the said Commissioners in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Commissioners, or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress of the Goods of the Commissioners, or their Treasurer.

XCIV. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and

Damages and Charges, in case of Dispute, to be settled by Justices.

[Local.]

41 C

Sale

Sale of the Offender's Goods and Chattels, in manner by this Act directed for the levying of any Penalties or Forfeitures.

Recovery and Application of Forfeitures.

XCV. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not hereby particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way, by the Order and Adjudication of some Justice or Justices of the Peace of the said Borough, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such One or more Justice or Justices, who is and are hereby authorized and required to summon and examine any Witnesses upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner or Owners of the said Goods and Chattels so seized and distrained; all which Penalties not herein directed to be otherwise applied shall be paid to the Treasurer of the said Commissioners for the Time being, to be applied for the general Purposes of this Act, unless such Penalties shall be incurred by the said Commissioners, in which Case the same shall be paid to the Overseers of the Poor of the said Borough, to be by them applied for the Relief of the Poor of the said Borough; and it shall 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 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, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice or Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon 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 Common Gaol of the said Borough, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have fully paid such Penalty or Penalties, and all Costs and Charges incident to and attending such Proceedings as aforesaid, to be ascer-

tained by such Justice or Justices, or shall otherwise be discharged by due Course of Law.

XCVI. And whereas Offences may be committed against this Act by Persons unknown to the Commissioners, Collectors, or other Officers appointed to put the same in execution; be it therefore further enacted, That it shall be lawful for any of the said Commissioners, or for their Clerk, Collector or Collectors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any unknown Person as shall commit any such Offence or Offences against this Act, and to take him, her, or them before some Justice of the Peace for the said Borough, and such Justice shall and is hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

For securing transient Offenders.

XCVII. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the Form following; (that is to say),

Convictions to be drawn in the following Form.

‘ Borough of *Banbury* } BE it remembered, That on the
 ‘ in the County of } Day of
 ‘ *Oxford* (to wit). } our Lord in the Year of
 ‘ convicted before me One of His Majesty’s
 ‘ Justices of the Peace for the Borough of *Banbury* in the County of
 ‘ *Oxford*, of having [*here specify the Offence, and the Time and Place when*
 ‘ *and where committed or made, as the Case may be*]; and I do adjudge
 ‘ that the said hath forfeited for his [*or her*]
 ‘ Offence the Sum of Given under my
 ‘ Hand and Seal the Day and Year first above written.’

XCVIII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity that shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularities may recover Satisfaction for the special Damage in an Action on the Case.

Distress not unlawful for Want of Form.

XCIX. Provided always, and be it further enacted, That any Body or Bodies Politic, Corporate, or Collegiate, or any other Person or Persons whomsoever, thinking himself, herself, or themselves aggrieved by any Rate or Assessment, or by any Order or Judgment of the said Commissioners, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may appeal to the General or Quarter Sessions of the Peace for the said Borough or County, which shall be held next after the Cause of Complaint shall have arisen, unless such Sessions to which such Appeal may be made shall be held before the Expiration

Appeal to be made to the Quarter Sessions.

Expiration of One Calendar Month then next, in which case such Appeal shall be made to the secondly succeeding Sessions, at the Option of the Party or Parties, Person or Persons appealing, having first given at least Fourteen clear Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk to the said Commissioners; as the Case may be, and within Five Days after such Notice entering into a Recognizance before some Justice of the Peace, with sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace, or if they think proper may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the said Borough or County, and shall and may also award such Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final and conclusive upon all Parties to all Intents and Purposes whatsoever.

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

C. Provided always, and be it further enacted, That in any Appeal from the said Rates or Assessments, or any of them, to be made by the said Commissioners for the Purposes of this Act, the Justices at the General or Quarter Sessions of the Peace to be holden for the said Borough or County respectively, or at any Adjournment thereof, shall and may amend the same in such manner as may be necessary for the giving Relief, without quashing or altering such Rates or Assessments with respect to other Persons mentioned therein; but if, upon Appeal against the whole Rate or Assessment, it shall be found necessary to set aside the same, then and in every such Case it shall be lawful for such Justices to order a new Rate or Assessment to be made in manner herein directed.

Inhabitants not incompetent Witnesses.

CI. And be it further enacted, That no Person shall, in any Action, Prosecution, Cause, or other Proceeding whatsoever relating to or concerning the Execution of this Act, be deemed an incompetent Witness on account of his or her being charged with or liable to pay any Rate or Assessment to be raised, levied, or collected by virtue of this Act.

Plaintiff not to recover after Tender of Amends.

CII. And be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Twenty-eight Days before such Action shall be commenced, of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender be made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think proper, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court

Court as is or shall be practised in other Actions in the Courts of Law, in which Actions the Defendant is allowed to pay Money into Court.

CIII. And be it further enacted, That no Action at Law shall be brought against any Person or Persons for any thing done in pursuance of this Act after Three Calendar Months from the Time of the Fact being committed; and every such Action shall be brought and tried in the County within which the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action shall or may at his or their Election plead specially, or the General Issue, and give this Act and the Special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been so done, or if such Action shall have been brought before the Expiration of Twenty-eight Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in any of the said Cases, the Jury shall find a Verdict for the Defendant or Defendants upon such Action, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action after the Defendant or Defendants shall have appeared, or if, upon any Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any other Defendant hath in other Cases by Law.

Limitation of Actions.

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

No Proceeding to be removed by Certiorari.

CV. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons to serve any Notice or Notices upon the said Commissioners, or any Writ or Writs, or other legal Proceedings, the Service thereof upon any of the said Commissioners, or left at his usual Place of Abode, or upon the Clerk to the said Commissioners, or left at the Office of such Clerk, or at his last or usual Place of Abode, or upon any Collector or Surveyor of the said Commissioners, or left at his last or usual Place of Abode, shall be deemed a sufficient Service of the same respectively on the said Commissioners.

Directing what shall be deemed a Service of Notice on Commissioners.

CVI. Provided always, and be it further enacted, That nothing herein contained shall extend to compel or oblige the said Commissioners to repair, amend, or maintain any public Bridge within the said Borough, or any Part thereof, which has been heretofore usually repaired, amended, and maintained at the Costs and Charges of the Bridge Master of the said Borough, or the Company of Proprietors of the *Oxford Canal Navigation*.

Commissioners not to be liable to repair Bridge, &c.

[Local.]

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CVII. Saving

Saving Rights
to the Lord
of the Manor.

CVII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all and every Person and Persons, Bodies Politic and Corporate, his, her, and their Heirs and Successors, Executors and Administrators respectively, all such Rights and Interests as they, every or any of them, had, held, and enjoyed before the passing of this Act, or could or ought to have had, held, or enjoyed in case the same had not been passed, other than and except such Rights and Interests as are herein-before mentioned or intended to be taken away, extinguished, or lessened, changed, varied, or modified.

Public Act.

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

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