



ANNO SEXTO

GEORGIIV. REGIS.

Cap. cxxxiii.

An Act for paving or flagging, lighting, cleansing, watching, regulating, and improving the Town of *Leamington Priors* in the County of *Warwick*.

[10th June 1825.]

WHEREAS the Town of *Leamington Priors* in the County of *Warwick* is and has been for many Years last past a Place of great public Resort on account of the Salubrity of the Air and Mineral Waters there: And whereas the several Streets, Ways, Lanes, Passages, and public Places in the said Town are in many Parts incommo-
dious, very badly paved and flagged, and insufficiently cleansed and lighted, and no regular Watch has been established therein; and the said Streets, Ways, Lanes, Passages, and public Places are subject to various Nuisances, Annoyances, Encroachments, and Obstructions; and it would tend greatly to the Convenience, Benefit, and Safety of the Inhabitants of the said Town and of all Persons resorting thereto if the Streets, Ways, Lanes, Passages, and public Places already made, or hereafter to be made were properly paved, stoned, gravelled, or flagged, cleansed, lighted, and watched, and if all Nuisances, Annoyances, and Obstructions were removed and prevented, and if Provision were made for regulating the Erection of Houses and Buildings, and for preventing Encroachments therein, and if a proper and effective Police were established in the said Town of *Lea-*

[*Local.*]

42 X

mington

Commissioners and their Qualification.

Leamington Priors; but such several Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Male Person of the Age of Twenty-one Years or upwards, being either in his own Right or in the Right of his Wife in the actual Possession or Enjoyment or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments in the Town of *Leamington Priors*, of an Estate of Inheritance, or for a Life or Lives, or for any Term of Years originally not less than Sixty Years, either absolute or determinable on any Life or Lives, of the clear yearly Value of Sixty Pounds or upwards above Reprizes and Incumbrances, shall be and they are hereby constituted, appointed, and declared to be Commissioners for paving, lighting, watching, regulating, and improving the Town of *Leamington Priors*, and for putting this Act into Execution.

Oath of Qualification to be taken.

II. Provided always, and be it further enacted, That no Person whosoever 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 Profit under this Act, or be concerned or beneficially interested in any Contract entered into by the said Commissioners for any of the Purposes of this Act, or in any Case wherein he shall be in anywise personally or beneficially interested (save and except as a Creditor on the Rates, Rents, or Assessments), nor (except in administering the Oath or Affirmation hereinafter mentioned) until such Person shall have taken and subscribed an Oath, or, being a Quaker, until he shall have made and subscribed an Affirmation, in the Form or Words following (and which Oath or Affirmation the Chairman at any Meeting of the said Commissioners to be held in pursuance of this Act is hereby authorized and empowered to administer); and an Entry or Memorandum shall be made in the Book of Proceedings of the Commissioners of the taking or making and subscribing such Oath or Affirmation, and of the Date of administering the same:

Form of Oath.

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly declare and affirm,*] That I am really and *bonâ fide*, in my own Right [*or in Right of my Wife, late or present, as the Case may be,*] now in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, situate in the Town or Parish of *Leamington Priors* in the County of *Warwick*, of an Estate of Inheritance, [*or for a Life or Lives, or for a Term or Terms exceeding Sixty Years, either absolute or determinable on a Life or Lives, as the Case may be,*] of the clear yearly Value of Sixty Pounds; and that I will truly and impartially, according to the best of my Skill and Judgment, execute and perform all and every 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 add the Title of this Act*]. So help me GOD.’
[*Or, being a Quaker, omit the Words ‘ So help me God.’*]

III. Pro-

III. Provided also, and be it further enacted, That no Person shall, after the Expiration of Six Calendar Months from and after the Time of holding the First Meeting of the said Commissioners by virtue of this Act, act as a Commissioner in the Execution of this Act until after the Expiration of Three Calendar Months from the Time of his taking the Oath or making the Affirmation of Qualification as aforesaid.

Proviso as to Persons qualifying as Commissioners after the First Six Months.

IV. And be it further enacted, That if any Person not qualified in manner herein-before mentioned to act as a Commissioner, or being disqualified by any of the Causes herein-before mentioned, or not having taken and subscribed an Oath as aforesaid, or, being a Quaker, not having made and subscribed an Affirmation as aforesaid, shall presume to act as a Commissioner in the Execution of this Act, or the Powers hereby given, or any of them, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered on the Information or Prosecution of any Person or Persons whomsoever, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, or more than One Imparance, shall be allowed; and every Person so sued or prosecuted shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty, 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.

Penalty on unqualified Persons acting as Commissioners.

V. Provided always nevertheless, and be it further enacted, That all Acts and Proceedings of any Person or Persons acting as a Commissioner or Commissioners, had or done in the Execution of this Act, or of the Powers hereby given, though not duly qualified, if so had or done previous to his or their being convicted of any such Offence, shall be as valid and effectual as if such Person or Persons had been duly qualified.

Acts of unqualified Commissioners to be valid unless a Conviction has taken place.

VI. Provided also nevertheless, and be it further enacted, That it shall be lawful for any of the said Commissioners who are or shall be in the Commission of the Peace for the said County of *Warwick* to act as Justices of the Peace in or relating to the Execution of this Act, notwithstanding their being Commissioners under this Act.

Justices of the Peace may act as such, notwithstanding their being Commissioners.

VII. And be it further enacted, That the Persons herein-before authorized to act as Commissioners, or any Five or more of them, shall or may hold their First Meeting for carrying this Act into execution on the Third *Tuesday* next after the passing of this Act at the Petty Sessions Room at *Leamington Priors* aforesaid; and in case Five or more of the said Persons herein-before authorized to act as Commissioners shall not be then and there assembled at the Hour of Eleven of the Clock in the Forenoon, then such First Meeting shall and may be held at the same Place on any subsequent Day when Five or more of such Persons shall be there assembled at the Hour of Eleven of the Clock in the Forenoon; and the said Persons so then and there assembled shall proceed to elect a Chairman, and such Chairman shall take and subscribe, before the other of such Persons then present at such Meeting, or any Four of them, the Oath or Affirmation herein-before mentioned, and after he shall have so taken

First Meeting of Commissioners.

taken and subscribed the same, then he shall and may administer the Oath or Affirmation herein-before mentioned to the other of such Persons present at such Meeting, or any Five or more of them; and when such Persons, or any Five or more of them, shall have so taken and subscribed such Oath or Affirmation, qualifying them to act as Commissioners as aforesaid, then the said Commissioners, or any Five or more of them, shall and may proceed to carry the Powers of this Act into execution.

Other Meetings of the Commissioners.

VIII. And be it further enacted, That Meetings of the Commissioners shall or may be held for carrying the same into execution on the First *Tuesday* in every Month afterwards at the same Hour and Place, unless some other Hour or Day in the Week or Month, or some other Place in the said Town, shall be appointed by the Commissioners assembled at the said First Meeting or at any subsequent Meeting at which there shall be Five Commissioners assembled; and it shall be lawful for the said Commissioners at any of such Meetings to adjourn the same to such Time antecedent to the next Monthly Meeting and to such Place in the said Town as they shall think proper; and if at any Time or Times appointed for any of the said Meetings there shall not be Five Commissioners present at the Time and Place appointed, then such Meeting shall stand adjourned to the same Place and the same Hour on that Day Seven-night, and so *toties quoties* until Five of the said Commissioners shall attend; and all Acts, Orders, Rules, Resolutions, and Proceedings of the said Commissioners in the Execution of this Act, had, made, or done at a Meeting or Meetings to be held in pursuance of this Act at which there shall be Five or more Commissioners present, shall be good, valid, and effectual, the said Number of Five Commissioners being hereby declared to be sufficient and fully competent to execute all the Purposes of this Act (except the Revocation, Suspension, or Alteration of any Order, Rule, Resolution, or Proceeding made or done by or at any preceding Meeting as herein-after mentioned); and at all Meetings for putting this Act into execution one of the Commissioners attending the same shall be appointed Chairman; and in all Cases where there shall arise a Difference of Opinion at any such Meeting the Question shall be decided by a Majority of Votes of the Commissioners then present; and if upon any Question there shall be an equal Number of Votes (including the Chairman's Vote), then the Chairman shall have the casting Vote.

Five Commissioners a Quorum.

No Order of Commissioners to be revoked unless at a Special Meeting.

IX. And be it further enacted, That no Order, Rule, Resolution, or Proceeding had, made, or done at any Meeting held in pursuance of this Act at which there shall have been Five or more Commissioners present, shall be revoked, suspended, or altered, unless at some subsequent Meeting, nor unless Notice signed by any Three or more of the Commissioners, specifying the Intention of proposing the Revocation, Suspension, or Alteration of such Order, Rule, Resolution, or Proceeding, shall have been affixed on the Door of the Parish Church of *Leamington Priors* aforesaid before and during Divine Service on a *Sunday*, and also published or inserted in *The Warwick and Warwickshire General Advertiser and Leamington Gazette*, or some public Newspaper published or circulated in the said County of *Warwick*, Seven Days at least before the Meeting at which such Revocation, Suspension, or Alteration shall be made;

made; nor unless there shall be present a greater Number of Commissioners than were present at the Meeting or Meetings at which such Order, Rule, Resolution, or Proceeding, proposed or intended to be revoked, suspended, or altered, shall have been made; nor unless the Majority of the Commissioners present at such subsequent Meeting shall concur in such Revocation, Suspension, or Alteration; and at every Meeting the Commissioners present shall defray their own Expences.

X. Provided also, and be it further enacted, That if it shall at any Time or Times be thought necessary, by any Three or more of the said Commissioners, that a Meeting should be held on an earlier Day than the Day on which any Meeting is or shall be appointed to be held by virtue of this Act as aforesaid, either for the Purpose of revoking, suspending, or altering any Order, Rule, Resolution, or Proceeding as aforesaid, or for any other Purpose relating to the Execution of this Act, then and in such Case it shall be lawful for any Three or more of the said Commissioners to call a Special Meeting of the said Commissioners, to be held on such Day and at such Hour and Place in the said Town as they shall think expedient, by Notice signed by Three or more of the said Commissioners, specifying the particular Intent and Purpose of such Special Meeting, to be affixed on the Door of the Parish Church of *Leamington Priors* aforesaid before and during Divine Service on a *Sunday*, and also to be published or inserted in the Newspaper called *The Warwick and Warwickshire General Advertiser and Leamington Gazette*, or some other Newspaper published or circulated in the said County of *Warwick*, Fifteen Days at least before the Day of holding such Special Meeting. Special Meetings.

XI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, by Writing under their Hands, to elect and appoint a Treasurer and Clerk, and also an Assessor or Assessors, Collector or Collectors, Receiver or Receivers of the Monies to be raised and paid under or by virtue of this Act, and also all such Surveyors, Scavengers, Rakers, Cleansers, Water Keepers, Lighters of Lamps, Beadles, Constables, Watchmen, and such other Officer or Officers, Deputies or Assistants, for the Execution of the several Purposes of this Act, as they shall from Time to Time think proper, and from Time to Time to remove, suspend, or displace all or any of such Officers as they shall see Occasion, and to appoint others in the Room or Place of such of them as shall be so removed, suspended, or displaced, or as shall die or resign their Offices; and also from Time to Time, by and out of the Monies to be raised or received by virtue of this Act, to pay such Wages or Salaries, and make such Allowances to such Officers, and to all other Persons by them the said Commissioners employed in the Execution of this Act, as shall be reasonable and proper; and the said Commissioners shall and are hereby required to take sufficient Security from every Treasurer to be so appointed, and shall or may also take such Security from every Clerk, Collector, or other Officer so to be appointed as aforesaid, for the due Execution of their respective Offices or Duties, as the said Commissioners shall think proper. For appointing Officers.
Treasurer to give Security.

XII. Provided always, and be it further enacted, That as often as any Collector or Receiver of the Monies to be raised by virtue of this Act shall die, or become incapable of acting in the Execution of this Act, or shall neglect to perform his Duty therein, it shall be lawful for the said For appointing temporary Officers in Cases of Necessity.

[*Local.*]

42 Y

Commis-

Commissioners, or any Five or more of them, although not assembled at a Meeting to be held pursuant to this Act, by any Writing under their Hands, to appoint another Person to be Collector or Receiver thereof, until a Collector or Receiver shall be appointed by the said Commissioners at a Meeting to be holden in pursuance of this Act, any thing herein contained to the contrary notwithstanding; and such temporary Collector or Receiver shall be subject to all the Provisions of this Act, in the same Manner as if he had been appointed by the Commissioners at a Meeting in pursuance of this Act.

Penalty on
Officers tak-
ing Rewards
or being con-
cerned in
Contracts.

XIII. Provided always, and be it further enacted, That if any Person who shall be employed as Treasurer, Clerk, Assessor, Collector, Receiver, Surveyor, or any other Officer or Servant who shall be in anywise employed by the said Commissioners in putting this Act or any of the Powers thereof in execution, shall exact, take, or accept, by any Ways or Means, any Fee, Profit, or Reward whatsoever, (other than such Salaries, Allowances, and Rewards as shall be appointed, allowed, and approved of by the said Commissioners,) for or on account of any thing done or to be done by virtue of this Act, or on any Account whatsoever relative to putting the same into execution, or shall in any way be directly or indirectly concerned or interested in any Sale, Purchase, Bargain, or Contract made or to be made by or by Order of the said Commissioners for the Purpose of putting this Act into execution (unless with the Consent and Approbation of the said Commissioners), every such Person so offending shall be incapable of ever serving or being employed for any of the Purposes of this Act, and shall likewise forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same; to be recovered, together with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, to be brought or commenced within Six Calendar Months after the Offence committed; in which Suit or Prosecution no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Clerk and
Treasurer not
to be the
same Person.

XIV. 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 or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be 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 any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be 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 any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioners other than that of Treasurer, every Person so offend-

I.

ing

ing shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same; to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

XV. And be it further enacted, That all such Officers as shall be appointed to any of the Offices aforesaid shall, at such Time and Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Monies which shall have been received by such Officers and Persons respectively by virtue or for the Purposes of this Act, and how much thereof hath been paid and disbursed, and to whom and for what Purposes, together with Vouchers and Receipts for such Payments, and shall pay all such Money as shall remain due from them respectively to the said Commissioners, or such Person or Persons as they shall appoint; and if any such Officer or Person shall refuse or neglect to make and render any such Accounts, or to produce and deliver up such Vouchers and Receipts relating to the same, or to make Payment as aforesaid, or shall refuse or neglect to deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Fourteen Days after being thereunto required by the said Commissioners, by Notice in Writing to be given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give Information and Satisfaction to the said Commissioners respecting the same, then and in every such Case, upon Complaint made by the said Commissioners, or any One or more of them, or by any Person or Persons whom they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace for the County or Place wherein such Officer or Person so neglecting or refusing shall reside or be, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Officer or Person so refusing or neglecting to be brought before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnessess upon Oath (which Oath such Justice is hereby authorized to administer), it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such last-mentioned Officer or Person, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods and Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the Charges for distraining and selling the same, or if it shall appear to such Justice that such Officer or Person has refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer or Person, and he shall have refused or wilfully neglected to deliver up or
give

Officers to
account.

give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit such Offender to the Common Gaol or House of Correction for the County or Place where such Offender shall be and reside, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the Commissioners are hereby empowered to make and receive), and until he shall have given up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners or to such Justice: Provided always, that no Person who shall be committed by virtue of this Act on account of not having sufficient Goods and Chattels shall be detained in Prison for any longer Term than Six Calendar Months: Provided also, that if any Money shall remain due from such Officer or Person, Officers or Persons, the Commitment of him or them to Prison shall not be deemed a Discharge for the same, nor exonerate his or their Surety or Sureties; but such Officer or Officers, Person or Persons, and his and their Surety or Sureties, shall remain liable to the Payment thereof, in the same Manner as if such Officer or Officers, or Person or Persons, had not been committed to Prison.

Justice may grant a Search Warrant for Books.

XVI. Provided also, and be it further enacted, That in case it shall appear to any such Justice as aforesaid, on the Oath of any Person or Persons, that any of such Books, Papers, or Writings as aforesaid shall be in the Custody or Power of any such Officer or Person, and that such Officer or Person shall have refused to deliver up the same as aforesaid, then it shall and may be lawful for such Justice to grant and issue a Warrant or Warrants under his Hand and Seal, to any Constable or other Peace Officer, to search for such Books, Papers, or Writings as aforesaid in any Place or Places where the same shall be suspected to be, and for the seizing thereof, and delivering them to the said Commissioners or to such Justice.

In case an Officer dies, Executors to account.

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

for

for the Recovery of the said Monies, or for the Recovery of Damages for the Detention of such Books, Papers, Writings, and Things.

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

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

XIX. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time and at all Times hereafter to order and direct a Book or Books to be provided and kept by their Clerk 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 Money which shall be received, paid, laid out, and expended, in pursuance of the Powers and Provisions of this Act, by or for or on account of the said Commissioners, and of the several Articles, Matters, and Things for which such Sums of Money shall have been paid, laid out, and expended; which Books shall at all seasonable Times be open to the Inspection of the Commissioners, and any Creditor or Creditors on the Rates hereby granted, and any Person or Persons who shall be rated to the same, without Fee or Reward; and the said Commissioners and Creditors and such Persons rated as aforesaid, or any of them, shall and may take Copies of or Extracts from the said last-mentioned Book or Books, and also from the annual Accounts herein-after mentioned, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners or such Creditors, or such Persons so rated as aforesaid, or any of them, to inspect the same Book or Books, or to take such Copies or Extracts, he shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds.

Books of
Account to be
kept by Clerk.

XX. And be it further enacted, That the Accounts of all Monies which shall be annually assessed, collected, levied, and received by virtue of this Act, and of all Monies annually paid, laid out, expended, compounded for, and otherwise disposed of in the Execution of this Act, or relating thereto, shall be produced, stated, examined, and audited at the First Meeting of the said Commissioners which shall be held in the Month of *June* in every Year, or at some Adjournment thereof, and at which Meeting and Meetings all Persons rated and assessed for the Purposes of this Act, or otherwise affected by such Rates or Assessments, or interested in such Accounts, shall be at liberty to attend, and such annual Accounts shall be then and there settled and balanced.

Accounts to
be annually
audited at the
Meeting held
in the Month
of *June* in
every Year.

[Local.]

42 Z

XXI. And

Commissioners may sue and be sued in the Name of the Clerk, or One or more of the said Commissioners.

XXI. And be it further enacted, That the said Commissioners may sue and be sued for or concerning any thing which shall be done by virtue or in pursuance of this Act in the Name of their Clerk for the Time being, or in the Name or Names of any One or more of the said Commissioners; and no Action or Suit so to be brought or commenced by or against the said Commissioners shall abate or be discontinued by the Death, Removal, or Default of any such Clerk or Commissioner or Commissioners, but shall be continued and carried on in the Name of the Clerk for the Time being, or of the Commissioner or Commissioners in whose Name or Names the same shall have been brought; and the Clerk for the Time being, or such Commissioner or Commissioners, shall always be Plaintiff or Plaintiffs or Defendant or Defendants in such Action or Suit, as the Case may be: Provided always, that all Costs and Expences incurred by the said Commissioners, or their Clerk for the Time being, in prosecuting or defending any Action or Suit touching the Execution of this Act, shall be defrayed out of the Money to be collected and raised under the Provisions of this Act; and no such Clerk or Commissioners shall be personally answerable or liable for the Payment of the same, unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default, or have been brought or commenced or defended without the Order or Direction of the said Commissioners: Provided always, that such Commissioner or Commissioners or Clerk shall not, by reason of his or their being such Commissioner or Commissioners or Clerk, be deemed an inadmissible Witness or Witnesses in any such Action or Suit, except only in such Action or Suit in which he or they shall be particularly interested.

Indemnity to Commissioners when acting legally.

XXII. Provided always, and be it further enacted, That all and every the Commissioners for executing this Act shall from Time to Time and at all Times hereafter be fully indemnified, from and out of the Monies to be raised under and by virtue of this Act, of and from all Costs, Charges, Damages, and Expences which they or any of them, or their Treasurer or Clerk as aforesaid, shall or may pay, sustain, or be put unto for or by reason of any Action, Suit, or Proceedings which may be had, sued, commenced, or prosecuted against them, or any or either of them, for any Matter or Thing which may be by them respectively legally done in and about the Execution of this Act, and the Trusts reposed in them under the same.

Pavements, &c. vested in Commissioners.

XXIII. And be it further enacted, That all the present and future Pavements, Flag Stones, and Kirb Stones in the several Streets, Lanes, and other Passages and Places within the said Town, and all Carriage Roads and Footways or Passages within the same Town, (except only such Passages and Places, Carriage Roads or Footways, as belong or lead to private Dwelling Houses, Buildings, and Premises,) and the Stones, Gravel, and other Materials belonging thereto respectively, and also all Lamps, Lamp Irons, Lamp Posts, Watch Boxes, Watch Houses, and other Houses and Buildings to be erected or fixed up or provided by virtue of this Act, and all Materials and other 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 the same are hereby vested in the said Commissioners; and the said Commissioners shall and may cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment (as the Case may require) against any Person or Persons who

who shall steal, take, or carry away, detain, spoil, injure, or destroy, the several Articles and Things hereby vested in them the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment be preferred, is or are the Property of the Commissioners for paving, lighting, watching, regulating, and improving the Town of *Leamington Priors*, without particularly mentioning or specifying the Name or Names of all or any of such Commissioners.

XXIV. And be it further enacted, That the said Commissioners shall have full 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 and Things, or any Part or Parts of the same respectively, to such Person or Persons, and in such Manner, as they the said Commissioners shall think proper.

Commissioners may sell Property vested in them.

XXV. And be it further enacted, That if any Person or Persons shall break up the Pavement or Soil of any of the said Streets, Lanes, Roads, Ways, Passages, or Places (except under the Authority of this Act), or if any Person shall wilfully or maliciously break up, injure, destroy, or otherwise damage any of the Articles or Things hereby vested in the said Commissioners, or any of the Works done or to be done in pursuance of this Act, every such Person so offending shall for every such Offence forfeit and pay to the said Commissioners the Sum of Twenty Pounds, to be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*; and such Penalty, when received or recovered, shall be applied to the Purposes of this Act.

Penalty on damaging Property vested in Commissioners.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, from Time to Time and at all Times hereafter, as often as they shall think fit, to cause, order, and direct all or any of the present and future Streets, Lanes, Highways, Passages, and other public Places, as well Carriageways as Footways, in the said Town, to be repaired, made, formed, amended, and sustained in such Manner and with such Materials as the said Commissioners shall think proper; and also from Time to Time to cause the Materials thereof to be taken up and relaid and renewed, and the Ground and Soil thereof to be raised, lowered, or altered, in such Manner and with such Materials as the said Commissioners shall deem proper or direct; and also from Time to Time to cause any Sewers, Gutters, Drains, or Watercourses to be made into, upon, through, over, along, or under any of the said Streets, Lanes, Highways, Passages, or other public Places, for carrying off Water, Mud, or other Filth from the same; and also to make new Ditches, Drains, Sewers, and Watercourses in and through the Lands adjoining and lying near to such Highways, or in and through any other Lands, for the more easy and effectual carrying off such Water, Mud, and Filth from the said Highways, with the Consent of the Proprietors of such adjoining or other Lands, but not otherwise, for the Purpose last aforesaid; and also to cause any of the present or future Sewers, Gutters, or Watercourses therein to be stopped up or otherwise opened, enlarged, altered, or cleansed, or the Form or Course thereof to be altered, turned, varied, changed, or diverted, in such Manner as the said Commissioners shall

Commissioners to repair all the Highways, Roads, &c. in the Town.

shall

shall think expedient ; and also from Time to Time to cause Grates to be placed on or over any of the said Sewers, Gutters, Drains, or Watercourses, and to remove, alter, or vary the Situations of the present or any future Grates placed or to be placed in or over the same, in such Manner as the said Commissioners shall think proper ; and also to order and cause the Removal of all or any Posts, Rails, Pales, and Fences which are or shall be in any of the said Streets, Lanes, Highways, Passages, or other public Places, and which shall be useless, or an Obstruction to the free Passage along the same ; and also to erect and set up any other Posts, Rails, Pales, or Fences in any other Place or Places therein, as they shall think proper ; and also from Time to Time to employ such Workmen, Labourers, and other Persons, and to hire, purchase, employ, and use such Horses, Carts, Tools, and Implements as the said Commissioners shall judge to be necessary for effecting such Purposes or any of them ; and the several Persons so to be employed by the said Commissioners for the aforesaid Purposes shall have and are hereby invested with full Power and Authority to execute the same.

Inhabitants assessed under this Act discharged from Statute Duty, &c.

XXVII. And be it further enacted, That from and after the Eleventh Day of *October* One thousand eight hundred and twenty-five all and every Persons and Person who shall be assessed under or by virtue of this Act for or in respect of any Messuages, Lands, Tenements, or Hereditaments in the said Town, shall be, and they, he, and she are and is hereby exonerated, released, and for ever discharged from the Performance of Statute Duty for the Repairs of the public Highways within the said Town, and from the Payment of any Composition Money in lieu of such Statute Duty, and from all Rates and Assessments for the Repairs of the said Highways in the said Town for or in respect of such Messuages, Lands, Tenements, or Hereditaments.

Roads within the Limits of the Act to be discontinued as Turnpike.

XXVIII. And be it further enacted, That from and after the passing of this Act so much and such Part of the Turnpike Road passing into or through the said Town of *Leamington Priors* as lies within the Limits of this Act shall cease to be Part of the said Turnpike Road, and the Trustees of the said Turnpike Road shall not be bound to contribute towards the Repairs thereof.

To prevent Nuisances being laid in or near the Sides of the Highways, &c.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners, and the Surveyor or Surveyors for the Time being to be appointed by them, to remove and prevent all Annoyances on every Part of the Highways within the said Town occasioned by Filth, Dung, Manure, Ashes, Rubbish, or any other Matter or Thing whatsoever being laid, thrown, or placed upon any of the Highways within the said Town, or upon the Sides of the Road, within Eighty Feet of the Centre thereof, and dispose of the same for the Benefit of such Road, in case the Owner thereof shall neglect to remove the same within Three Days after Notice in Writing signed by any Three of the said Commissioners, or their Surveyor for the Time being as aforesaid, given to or left at the usual Place of Abode of such Owner for that Purpose, and to turn any Watercourses, Sinks, or Drains running into, along, or out of any of the aforesaid Highways to the Prejudice of the same, and to open, scour, and cleanse any Watercourses or Ditches adjoining to any Highways, and make the same as deep and large as they shall think proper and necessary, in case the Owners or Occupiers

Occupiers of the adjoining Lands shall neglect to open, scour, or cleanse such Watercourses or Ditches, after Five Days Notice in Writing given for that Purpose; and the Charges thereof, and of removing any Annoyances, to be settled by One or more Justice or Justices of the Peace, shall be reimbursed to the said Commissioners or their Surveyor by such Owners or Occupiers, and the same shall be recovered in such Manner as Penalties and Forfeitures are herein directed to be recovered; and if after the Removal of any such Annoyances any Person shall again offend in the like Kind, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXX. And be it further enacted, That the Owners or Occupiers of the Lands next adjoining to any of the Highways within the said Town shall cut, prune, and trim their Hedges to the Height of Six Feet from the Surface of the Ground, and also cut down, prune, or lop the Branches of Trees, Bushes, and Shrubs growing in or near such Hedges or other Fences adjacent thereto (such Fences, Trees, Bushes, or Shrubs not being in any Garden, Orchard, Plantation, Walk, or Avenue to a House, nor any Tree, Bush, or Shrub being an Ornament or Shelter to a House), in such Manner that the said Highways shall not be prejudiced by the Shade thereof, and that the Sun and Wind may not be excluded therefrom; and if such Owner or Occupier shall not, within Ten Days after Notice given by Three of the Commissioners or their Surveyor for that Purpose, cut, prune, and trim such Hedges, or cut down, prune, or trim such Branches of Trees, Bushes, and Shrubs in manner aforesaid, it shall be lawful for any Three of the said Commissioners or their Surveyor to make Complaint thereof to some Justice of the Peace, who shall summon the Occupier of such Lands before him to answer the said Complaint, and if it shall appear to such Justice that such Occupier has not complied with the Provisions of this Act for cutting, lopping, pruning, and trimming such Trees, Bushes, and Hedges as aforesaid, it shall and may be lawful for such Justice, upon hearing the Commissioners or their Surveyor, and the Occupier of such Land or his Agent (or in default of his or her Appearance, upon having due Proof of the Service of such Summons), and considering the Circumstances of the Case, to order such Hedges to be cut, trimmed, and pruned, and such Branches of Trees, Bushes, and Shrubs to be cut down, or pruned or trimmed in such Manner as may best answer the Purposes aforesaid; and if the Occupier of such Land shall not obey such Order within Ten Days after it shall have been made, and he or she shall have had due Notice thereof, he or she shall forfeit, for every Twenty-four Feet in Length of such Hedge which shall be so neglected to be cut, trimmed, and pruned, the Sum of Two Shillings, and the Sum of Twopence for every Tree, Bush, or Shrub which shall be so directed to be cut down, pruned, or trimmed; and the said Commissioners or their Surveyor, in case of such Default made by the Occupier, shall and may cut, prune, and trim such Hedges, and cut down, prune, or trim such Branches of Trees, Bushes, and Shrubs, in the Manner directed by such Order, and such Occupier shall be charged with and pay, over and above the said Penalties, the Charges and Expences of doing the same, or in default thereof such Charges and Expences shall be levied, together with the said Forfeitures, upon his or her Goods and Chattels, by Warrant from a Justice of the Peace, in such Manner as is herein-after directed or authorized

Commissioners may
prune Trees
in Roads.

for the levying and recovering of Forfeitures or Penalties for Offences against this Act.

Where Owners neglect to complete Roads in new Streets, Commissioners may complete same, and compel Payment of the Expences.

XXXI. Provided always, and be it further enacted, That when and so often as any new Street shall, after the passing of this Act, be laid out within the said Town, and Houses and Buildings shall be erected or commenced therein, the said Commissioners shall and may and they are hereby authorized and empowered, as soon afterwards as they shall think proper, to give Notice in Writing to each and every Owner or Proprietor, Feoffee or Trustee of the several Houses, Buildings, Land, or Ground on each Side of such new Street, who shall not have made and completed the Carriage Road therein to the Satisfaction of the said Commissioners or their Surveyor, before and in front and for the whole Length of their respective Houses, Buildings, Land, and Ground, up to and as far as the Centre of such Street, to make the Carriage Road thereof of good Materials, and to complete the same in a good and proper State and Condition, within such reasonable Time from the Date of such Notice as they the said Commissioners shall think expedient, for the whole Length of the Frontage of the Property of each Proprietor of Land on the respective Sides of such Street, up to and as far as the Centre of the Carriage Road; and in case any One or more of such Owners, Proprietors, Feoffees, or Trustees, to whom such Notice shall be given, shall not make and complete such Carriage Road and every Part thereof in manner and to the Extent aforesaid to the Satisfaction of the said Commissioners, at or before the Expiration of the Time mentioned and specified in such Notice, then and in such Case, and when and so often as the same shall happen, it shall and may be lawful to and for the said Commissioners, or for their Surveyor, or any other Person by their Order, and they are hereby authorized and required, well and effectually to make and complete, or cause to be made and completed, such Carriage Road, or such Part thereof as shall not have been made and completed pursuant to any such Notice so to be given as aforesaid, in such Manner and Form, and with such hard Materials as they shall think proper; and each such Owner, Proprietor, Feoffee, or Trustee to whom such Notice as aforesaid shall have been given, and who shall have failed to comply with the Requisitions thereof, shall pay the Costs, Charges, and Expences of making and completing the same Carriage Road on that Side of the Street whereon his or her House, Buildings, Land, or Property are situate, for the whole Length of his or her Frontage, and up to the Centre of the Street; and if any One or more of such Owners, Proprietors, Feoffees, or Trustees shall neglect or refuse to pay such Costs and Charges within Ten Days after personal Demand thereof made by the said Commissioners or their Surveyor, or after Notice in Writing under the Hand of the Surveyor or Clerk of the said Commissioners shall have been delivered to or left at the Dwelling House or usual Place of Abode of such Owner, Proprietor, Feoffee, or Trustee, then and in such Case the Tenements and Premises of such Owner, Proprietor, Feoffee, or Trustee so making Default as last aforesaid, opposite to and against which such Carriage Road shall have been so made or completed by the said Commissioners, shall be and the same are hereby made a Security for and chargeable with such Costs, Charges, and Expences, and the same may be levied by Distress and Sale, (by Information, Warrant, and Distress, as in this Act mentioned with respect to levying the Charges and Expences

Expences of Foot Pavements to be made by the said Commissioners, under and by virtue of this Act,) upon the same respective Houses and Premises, or upon the Goods and Chattels of such Owner or Proprietor, Feoffee or Trustee thereof, or by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, in which Action or Suit no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

XXXII. Provided always, and be it further enacted, That all Lessees of Hereditaments and Premises, who shall hold the same under or by virtue of Demises or Leases originally made for a Term of Years not less than Sixty Years, or for a Life or Lives, or any Term determinable on a Life or Lives, or the Assignees of such Lessees or Tenants for Life, and not the Person or Persons entitled to the Reversion or Remainder of the same Hereditaments and Premises expectant on the Determination of such Demises or Leases, or such Life or Lives, shall be deemed and taken to be the Owners or Proprietors of such Hereditaments and Premises for the Purposes of this Act.

Lessees for Sixty Years to be deemed Owners or Proprietors.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioners, or for their Surveyor, or any other Person by their Order, and they are hereby authorized and required, well and effectually to pave and flag, or cause to be paved and flagged, the present and all future Footpaths or Footways, as far as the Carriage Road, and including the Gutter next adjoining to any Square, Parade, Street, Lane, or other public Passage or Place within the Limits of the said Town, in such Manner and Form and with such Materials as they shall think proper; and the said Commissioners or their Surveyor, or any other Person by their Order, may and shall, if they think proper, cause the Ground of such Foot Pavement to be raised, lowered, or rounded on each Side of the said Squares, Parades, Streets, Lanes, or public Passages or Places, and where Footpaths or Footways are not at present, or shall not at any Time be laid out or made in any of the present or any future Squares, Parades, Streets, Lanes, or other public Passages or Places within the said Limits, to lay out and make good and sufficient Footpaths or Footways by the Side or Sides of the Carriage Road, and to pave and flag the same in manner aforesaid; and the Costs and Charges of such paving, flagging, and making and laying out such Footpaths or Footways shall be reimbursed to the said Commissioners, and be paid and payable by the respective Tenants or Occupiers of the Houses, Buildings, Lands, and Premises against or next to or adjoining which such paving, flagging, making, or laying out shall be respectively made, for or in respect of the whole Length of the Frontage of each such Tenant or Occupier respectively; and if any Tenant or Occupier of any such Houses, Buildings, Lands, or Premises shall neglect or refuse to pay such Charges within Ten Days after Demand made thereof personally, or by Notice in Writing under the Hand of the Clerk, Surveyor, or other Person appointed by the said Commissioners, to be delivered to or left at the Dwelling House of such Tenant or Occupier, the same shall and may be levied on every such Tenant or Occupier by Distress and Sale of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal of One or more Justice or Justices of the Peace for the County of *Warwick*, upon Information on Oath or Affirmation (which Oath or Affirmation he and they is and are hereby

Commissioners may flag, &c. and charge Occupier with Amount.

hereby authorized and required to administer) of such Demand or Refusal, by Warrant under his or their Hand and Seal or Hands and Seals (which Warrant he or they is or are hereby authorized and required to grant), returning the Overplus (if any) of the Monies raised by such Distress and Sale, after deducting all Costs and Charges attending the same, to the Owner or Owners of such Goods or Chattels so distrained and sold, on Demand; and where any Houses, Buildings, Tenements, Hereditaments, and Premises shall be let or demised to more than One Tenant or Occupier, any One or more of such Tenants or Occupiers shall be deemed the actual Tenant or Tenants, Occupier or Occupiers, for the Purposes of this Act, and the said Charges shall be levied by Distress and Sale of all or any of the Goods and Chattels in or upon such respective Premises: Provided always, that no such Tenant or Occupier shall be obliged or compelled to pay nor shall any Distress be made on the Goods and Chattels of any such Tenant or Occupier for any larger Sum than the Amount of Rent actually due from such Tenant or Occupier to his, her, or their Landlord, except for the necessary Costs of making and levying such Distress.

How Charges
may be re-
covered on
Persons re-
moving.

XXXIV. And be it further enacted, That in case any Tenant or Occupier shall remove out of or quit such Houses, Buildings, Lands, Tenements, Hereditaments, or Premises, before such Charges shall be paid by him, her, or them; or if the Goods, Chattels, and Effects of such Tenant or Tenants, Occupier or Occupiers, shall not be sufficient to defray such Charges; or if it shall happen that any of the said Premises shall be untenanted, or no Goods, Chattels, or distrainable Effects shall be therein or thereon; then and in every such Case the said Charges and Expences, or such Residue thereof, shall be paid by the Owner or Proprietor, Feoffee, or Trustee of such Houses, Buildings, Lands, Tenements, Hereditaments, and Premises, and the same shall and may be levied by Distress and Sale (by Information, Warrant, and Distress as aforesaid) of any Goods and Chattels of the Owner or Proprietor, Feoffee or Trustee thereof, in case such Owner or Proprietor, Feoffee or Trustee, shall neglect or refuse to pay the same for the Space of Ten Days next after the same shall be personally demanded of him, her, or them, or after Notice in Writing, under the Hand of the said Surveyor or Clerk, shall have been delivered to or left at the Dwelling House or usual Place of Abode of such Owner or Proprietor, Feoffee or Trustee; or if the said Commissioners shall think proper, such Costs, Charges, and Expences respectively shall and may be recovered of and from such Owner or Owners, Proprietor or Proprietors, Feoffee or Feoffees, Trustee or Trustees as aforesaid, by Action of Debt, Bill, Plaint, or Information, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, in which Action or Suit no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Tenants pay-
ing may de-
duct Amount
out of their
Rent.

XXXV. Provided always, and be it further enacted, That it shall and may be lawful to and for any such Tenant or Occupier as aforesaid, who shall have paid or reimbursed the said Commissioners the Expences of paving, making, or laying out such Footpath or Footway before his or her House, Building, Land, Tenements, Hereditaments, and Premises as aforesaid, or on or of whom such Charges and Expences shall have been levied or recovered, to deduct out of his or her Rent the Charges and Expences which such Tenant or Occupier shall pay or have levied upon
or

or recovered against him or her on any of the Accounts aforesaid, and the Owner or Proprietor, Feoffee or Trustee of such Premises, is hereby required to allow such Deductions and Payments upon the Receipt of the Residue of his or her Rent; and in case any Tenant or Occupier shall pay more Money on account of such paving, making, or laying out as aforesaid, or on account of any Costs or Charges he or she shall have been put to respecting the same, than shall be due from him or her for the Rent of his or her House, Building, Land, Tenements, or Premises, the Overplus thereof shall and may be levied on the Owner or Proprietor, Feoffee or Trustee of such respective Premises, or his, her, or their Heirs, Executors, or Administrators, by Distress and Sale of the Goods and Chattels of such Owner or Proprietor, Feoffee or Trustee, or of his, her, or their Heirs, Executors, or Administrators, by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace for the County, City, Borough, Town, or Place where such Goods and Chattels shall be found, such Owner or Proprietor, Feoffee or Trustee, or other Person as last aforesaid, having refused or neglected to pay the same for the Space of Twenty-one Days after Demand made thereof by such Tenant or Occupier, or his or her Agent or Representative; or if such Tenant or Occupier shall think proper, such Costs, Charges, and Expences shall and may be recovered by him or her of and from such Owner or Proprietor, Feoffee or Trustee as aforesaid, by Action of Debt, Bill, Plaint, or Information, in manner herein-before mentioned.

XXXVI. Provided always, and be it further enacted, That where, in any Street, Lane, Way, or Passage within the said Town, there shall be a greater Distance than Thirty Yards from House to House on the same Side of the Street, Lane, Way, or Passage in such Street, Lane, Way, or Passage, then and in such Case, and whenever the same shall occur, the said Commissioners shall, in lieu of paving or flagging the Footpath or Footway immediately adjoining such Space so exceeding Thirty Yards from House to House as aforesaid, make or amend the same Footpath or Footway between such Houses so being more than Thirty Yards apart, with good Gravel, Sand, or other similar Materials, and so continue the same amended until some other House or Houses shall be built within such Space, so as to leave less than Thirty Yards from House to House, and to pay the Expences thereof by and out of the Money to be raised by virtue of this Act, or the Rates or Assessments hereby directed or authorized to be made; and when and so often as any such Space as aforesaid shall be built upon, so as to leave less than Thirty Yards from House to House, then the Provisions herein-before contained for paving and flagging the same shall come into and be in full Force, Vigour, and Effect.

Power for
Commiss-
ers to gravel
Footpaths
in certain
Cases.

XXXVII. And be it further enacted, That from and after the said Footpaths and Footways in the said Streets, Lanes, Ways, Passages, and public Places within the said Town shall be made and completed by or to the Satisfaction of the said Commissioners, the same shall from Time to Time and at all Times thereafter be repaired, maintained, amended, and kept in repair by the said Commissioners out of the Monies arising from the Rates or Assessments imposed under or by virtue of this Act.

Commission-
ers to keep
Footpaths in
repair.

XXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners to make, and pitch and pave, or pitch or pave, and from

Foot Cross-
ings.

[*Local.*]

43 B

Time

Time to Time to repair, such Foot Crossing or Foot Crossings as they shall think proper, to lead to or from the Entrance, Corner, or Termination of any Street, Lane, Passage, or public Place, to any other Street, Lane, Passage, or public Place, or across any such Street, Lane, Passage, or public Place within the said Town, and to pay and defray the Costs and Charges attending such making, pitching, paving, and repairing, by and out of the Money to be raised by virtue of this Act, or the Rates or Assessments hereby directed or authorized to be made.

Commissioners may get Gravel and other Materials.

XXXIX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Commissioners, having an Order for the Purpose, signed by any Three or more of the said Commissioners, and for all such Persons as he or they having such Order respectively shall appoint, to search for, cut, dig, get, gather, and take away any Stones, Gravel, Sand, or other Materials for making or repairing the Highways, Streets, Roads, Paths, or Passages within the said Town, out of or from any common or waste Ground or common River or Brook in the said Parish of *Leamington Priors*, without paying any thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks wherefrom such Materials shall be taken, and railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or other Person as aforesaid may, by Order of the said Commissioners, (such Order to be made at some Meeting of the said Commissioners to be holden in pursuance of this Act, and a Copy thereof to be given to such Surveyor or Surveyors, attested and signed by the Clerk to the said Commissioners) search for, cut, dig, get, gather, and take away any such Materials as aforesaid in, out of, or from any of the private Lands, Fields, or Grounds of any Person or Persons, where the same may be had or found within the said Town, (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Pleasure Ground, Lawn, Plantation, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees,) making or tendering such Satisfaction for the Value of such Materials, and also for the Damages thereby done to the Lands or Grounds where and from whence the same shall be cut, dug, got, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Highways, Streets, Roads, Paths, or Passages shall be carried, as the said Commissioners shall judge reasonable; and in case of any Difference between the said Commissioners, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners and Occupiers, or any of them, concerning such Value or Damages, it shall be lawful for any Two or more of the Justices of the Peace of the County of *Warwick*, on Seven Days Notice thereof given by either Party to the other, or left at his, her, or their respective Place or Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages, and the Judgment or Order of the said Justices shall be final and conclusive to all Parties: Provided also, that no such Materials shall be dug for, gotten, or taken away from any Place within the Distance of One hundred Yards from any Bridge, Mill, Mill Wear, or Dam, nor so as to injure any Building or Highway on any Account or Pretence whatsoever.

XL. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Surveyor, or other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for repairing such Highways, Streets, Roads, Paths, or Passages, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his or her usual Place of Residence, to appear before Two or more Justices of the Peace acting for the said County of *Warwick*, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case such Justices shall and may authorize such Surveyor or other Person or Persons to dig, get, gather, and carry away such Materials, at such Time or Times as to the said Justices shall seem proper; and if such Occupier shall neglect or refuse to appear by himself or herself, or by his or her Agent, pursuant to such Notice, the said Justices shall and may make such Order therein as they respectively shall think fit, as fully and effectually to all Intents and Purposes as if such Occupier or his or her Agent had attended.

Not to take Materials from inclosed Land without giving Notice.

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

Penalty on Persons taking away Materials.

XLII. And be it further enacted, That during the Time any Street, Crescent, Square, Lane, Passage, or Place shall be new paving, flagging, or repairing, or any of the Grates, Drains, or other Sewers therein shall be altering or repairing or making, the said Commissioners shall have Power to order the Materials necessary for such Purposes to be lodged in that or any adjoining Street, Square, Crescent, Lane, Passage, or Place, according to their Discretion, as also to stop the Way through that or any adjacent Highway, Street, Square, Crescent, Lane, Passage, or Place, so long as they shall judge necessary; and the said Commissioners, and all Persons acting by or under their Direction as aforesaid, are hereby indemnified from

Commissioners may set up Hoards, and stop up Ways, during Repairs, &c.

from any Prosecution or Action whatsoever respecting the same, so that they shall not impede the Passage of Carriages along any public Road.

Commissioners to employ Paviers, and purchase Carts, Implements, &c.

XLIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to appoint such and so many Paviers, Artificers, Workmen, Labourers, Carters, and others, and also to purchase or hire such Horses, Carts, Tools, Implements, and other Materials, Matters, and Things, as they shall judge necessary for the Purpose of carrying this Act into execution.

Pavements not to be altered, without Consent of Commissioners.

XLIV. And be it further enacted, That no Person or Persons shall at any Time make, or cause or suffer to be made, any Alteration in the Form of the Pavement or Pitching of the Foot or Carriageway before his or her House or Houses, Building or Buildings, Ground or Land, or behind or at the Side of the same, where the Back or Side thereof shall adjoin any public Street or Passage, without the Consent in Writing of the said Commissioners under their Hands first had and obtained; and that where such Alteration shall be made with such Consent as aforesaid, such Alteration shall be made, and from Time to Time repaired or altered, at the Expence of the Person or Persons to whom such Consent shall be given, or the Owner of such Premises for the Time being, and shall be made of such Materials, of such Dimensions, and in such Manner and Form as the said Commissioners shall think proper and direct; and in case any such Person or Persons shall cause such Alteration to be made without such Consent as aforesaid, or after such Consent had shall cause the same to be made contrary to the Direction of the said Commissioners, or in case the Owner or Owners thereof shall not repair, amend, alter, or place the same, or cause the same to be repaired, amended, altered, or placed in such Manner and within such Time as shall be expressed in a Notice to be given to him or her by the Order of the said Commissioners, then and in such Case the said Commissioners may and they are hereby authorized to cause such Alteration to be made, repaired, or placed (as the Case may be) as they shall direct or think proper; and the Charges and Expences attending the same, in case of Nonpayment thereof Three Days after Notice or Demand in Writing, signed by the Clerk to the said Commissioners, and left at the last or usual Place of Abode of such Person or Persons, shall and may be levied and recovered in such and the like Manner as any Penalty is by this Act directed to be levied and recovered.

Notice of Pavements being out of Repair.

XLV. And be it further enacted, That if any Householder or Householders within the said Town shall make Complaint under his, her, or their Hand or Hands, and shall leave the same at the last or usual Place of Abode of the Surveyor or Surveyors of the said Commissioners, of any Defect or Want of Repair in any of the Pavements of any of the said Streets, Squares, Crescents, Lanes, Passages, or Places, either before or after the same shall have been new paved or repaired by virtue of this Act, Seven Days before the next Meeting of the said Commissioners, then and in every such Case the said Surveyor or Surveyors shall view the said Pavements, and report the Condition thereof to the said Commissioners at their next Meeting; and if the said Surveyor or Surveyors, to whom such Notice shall be given or left as aforesaid, shall upon such View find the Pavements complained of to be bad or defective, the said Commissioners shall and may order their Contractor or Contractors, Pavior or Paviers,

to repair the same, within such Time as they the said Commissioners shall judge necessary for the Repair thereof, which Time shall be specified in such Order; and if the Contractor or Contractors, Pavior or Paviers, to whom such Order shall be given, shall not repair and amend such Pavements within such Time as he or they shall be directed by the said Commissioners to repair and amend the same, then and in every such Case the Contractor or Contractors, Pavior or Paviers, shall forfeit and pay any Sum not exceeding Ten Shillings for every Day the same bad or defective Pavement shall remain unrepaired after the Time limited by the said Commissioners in their said Order; and one Moiety of every such Penalty shall be applied and paid to such complaining Inhabitant, for his or her Loss of Time and Trouble in and about the Premises, and the other Moiety thereof shall be applied to the Purposes of this Act.

XLVI. Provided always, and be it further enacted, That if the said Surveyor or Surveyors shall on any such View or Views be of Opinion that the Pavement or Pavements mentioned to be bad or defective by such Householder or Householders in such Notice is not bad or defective, then and in such Case the said Commissioners, or any Three or more of them, shall forthwith proceed to view the said Pavements; and their Opinion and Order concerning the same after such View shall be final and conclusive, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

If Surveyor neglects, any Three Commissioners may order Repairs.

XLVII. And be it further enacted, That when any new Streets, Squares, Crescents, Lanes, Ways, or Passages shall be laid out and made in the said Town of *Leamington Priors*, and the Footpaths and Carriage Roads thereof shall be well and effectually flagged, paved, stoned, gravelled, and put in good Order and Repair, to the Satisfaction of the said Commissioners, then, on Application of the Owner or Owners of the Soil, or of the Owner or Owners of the adjoining Houses of such Streets, or a Majority of them, it shall be lawful for the said Commissioners, and they are hereby empowered and required, from Time to Time, by Writing under their Hands, to declare the same to be public Highways and Passages; and from and after such Declaration made such new Streets, Squares, Crescents, Lanes, Ways, and Passages as aforesaid, and every of them, shall be deemed and taken to be public Highways and Passages to all Intents and Purposes, and be repaired by the said Commissioners as the other Parts of the Streets, Squares, Crescents, Lanes, Ways, and public Passages within the said Town are by this Act directed to be managed and governed.

New Streets to be included.

XLVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time and at any Time or Times hereafter, to purchase and provide such and so many Glass Lamps, of such Sorts and Sizes, and also such and so many Lamp Irons and Lamp Posts, as they shall judge necessary, and to affix or set up the same (with the Consent of the Proprietors, and of the Owners and Occupiers thereof, but not otherwise,) upon or against the Walls or Palisadoes of all or any of the several Houses or Buildings, or upon or against any other Walls, or (without any Consent) in or upon such other Places within the said Town, and to be altered, taken down, or renewed in such Manner as they shall think fit; and to

Lamps.

[*Local.*]

43 C

cause

cause such Lamps, or any of them, to be lighted at such Times and Seasons of the Year, and on such Evenings, and on such Hours of the Evening, and to be kept burning for so many Hours as to them shall seem necessary or proper for the well and sufficiently lighting of all or any of the said Streets, Squares, Crescents, Lanes, public Passages and Places within the said Town.

Commissioners may contract for lighting with Gas or Oil, &c.

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

3 G. 4. c. 29.

Notice to be given by the Warwick Gas Light Company to the Commissioners before breaking up any Pavement in Leamington Priors, &c.

L. And whereas the Gas Light Company incorporated by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for incorporating the Warwick Gas Light Company*, acting under the Powers and Provisions of the said Act, have laid down Mains and Pipes in and through Part of the said Town of *Leamington Priors*; be it therefore further enacted, That the said Town of *Warwick Gas Light Company* shall, previous to their breaking up the Pavement or Soil of any of the Streets, Lanes, Roads, Ways, Passages, or Places within the said Town of *Leamington Priors*, for carrying the Purposes of the said recited Act into Execution, give to or leave Notice in Writing of such their Intention with the Clerk to the Commissioners for executing this Act; and in case the said Commissioners shall not, within the Time herein-after limited, give their Refusal in Writing to allow the breaking up of the said Pavement or Soil, then it shall and may be lawful to and for the said Company, or their Servants, Agents, or Workmen, and others, from Time to Time to break up the Pavement or Soil of any of the Streets, Lanes, Roads, Ways, Passages, or Places within the said Town of *Leamington Priors*, and to sink and lay Pipes, and to erect and fix them in Posts or Pillars in the Streets, and other Ways or Places, and also to dig and sink Trenches and Drains, and lay Mains or Pipes, and put Stopcocks, Syphons, Plugs, or Branches from such Pipes in, under, across, and along such Places as aforesaid, and from Time to Time to alter the Position of, and repair, relay, and maintain such Pipes, or other necessary Apparatus; but in case the said Commissioners shall refuse to allow the said Company to break up the said Pavement or Soil, such Refusal shall be given in Writing to the said Company, within Fourteen Days next after Notice of the said Company's Intentions shall be given or left as aforesaid; and in such Case it shall and may be lawful to and for the said Company to appeal to the Justices of the Peace at their next General or Quarter Sessions of the Peace, or at any Adjournment thereof, to be holden for the County of *Warwick*, by giving or leaving Ten Days Notice in Writing of their Intention to appeal to or with the said Clerk; and His Majesty's Justices of the Peace acting for the said County, upon due Proof of the said Notice of Appeal, shall hear and determine such Appeal, and shall and may confirm or quash or make void such Refusal to break up the said Pavements or Soil, and award such Costs to the Party appealing or appealed against as they the said Justices shall think proper: Provided always nevertheless, that

that nothing in this Act contained shall extend or be construed to extend to require the said Company to apply for or to obtain the Consent or Approbation of the said Commissioners for the said Company to break up the Pavement or Soil, for the Purpose of laying, fixing, or repairing any Service Pipe or Service Pipes from the Main Pipe or Main Pipes, for the immediate Use or Supply of any House, Manufactory, or other Premises with Gas, within the said Town of *Leamington Priors*; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

* LI. And be it further enacted, That whenever and so often as the said Company shall have broken up or removed the Stones, Ground, Soil, or Pavement in or of any Road, Street, Way, Lane, or other public Passage or Place, or any Part thereof, the said Company shall and they are hereby required immediately thereafter to reinstate and make good such Ground, Soil, or Pavement, in as good sound State or Condition as the same was or were in at the Time of being so broken up, to the Satisfaction of the Surveyor to the Commissioners of such Pavement, Soil, or Ground respectively; and the said Company shall carry or cause to be carried away all surplus Earth, Filth, and Rubbish occasioned thereby, at their own Costs and Charges; and during the Time that such Works are carried on by the said Company, and such Ground, Soil, or Pavement is reinstated as aforesaid, the said Company shall provide Watchmen with necessary Lights at Night, and otherwise guard the said Works, so as to prevent any Damage or Inconvenience happening to Passengers, Cattle, or Carriages; and in case the said Company shall neglect or make default in making good and reinstating such Ground, Soil, or Pavement as aforesaid, or removing any Rubbish occasioned thereby, or in placing and setting up such Lights at Night, and otherwise guarding the said Works so as to prevent Accidents to Passengers, Cattle, and Carriages, then and in every such Case it shall be lawful for the said Commissioners to reinstate and make good such Ground, Soil, or Pavement, and carry away all surplus Earth, Filth, and Rubbish occasioned thereby, and during the Time that such Works are carried on to provide proper Watchmen with necessary Lights at Night, and the Charges and Expences thereof shall be reimbursed and repaid by the said Company or their Treasurer to the said Commissioners or their respective Treasurers; and in default of Payment thereof within Fourteen Days next after Demand thereof in Writing shall have been made by the Clerk of the said Commissioners, Proof of such Demand being made by the Oath of One credible Witness, before One or more Justice or Justices of the Peace, all such Sum or Sums of Money so paid by them, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices of the Peace as aforesaid, and which Warrant such Justice or Justices is and are hereby empowered to grant, and such Sum or Sums of Money shall be paid to the said Commissioners or their Treasurer.

Requiring Company to reinstate Pavements, &c. after Pipes, &c. have been laid down.

LII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or any other Person or Persons, making, furnishing, or supplying

No Pipes to be laid against Dwelling Houses, &c. without Consent of Owners.

Commissioners to repair Damage done to Walls, &c.

ing any Gas used, burnt, or consumed within the said Town, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, to carry, lay, or fix or continue any Pipe or Pipes or other Thing for the Conveyance of Gas or Inflammable Air, into, 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 in Writing of the Owner and Occupier of every such Dwelling House, Building, Lands, Tenements, and Hereditaments respectively for that Purpose first had and obtained: Provided also, that if any Injury or Damage shall be occasioned to any Building or Wall or other Erection, by the affixing, setting up, taking down, altering, or removing any Lamp, or any Lamp Iron or other Fastening thereof, the said Commissioners, or such Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall immediately cause the said Injury or Damage to be well and sufficiently repaired; and the Expences attending the same shall be paid out of the Money to be raised by virtue of this Act, or by such Company or Companies, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, who shall have done or caused such Injury or Damage.

Service Pipes to be kept fully charged with Gas.

LIII. 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.

Gas Pipes to be laid at least Four Feet from Water Pipes.

LIV. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used by the said Commissioners, or by any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, for the Conveyance of Gas in, under, through, along, across, or round any Street, Lane, Entry, or other Passage or Place within the said Town, shall be so laid at the greatest practicable Distance, and (whenever the Width of the Carriageway in such Street or Place will allow thereof) at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Lanes, Entries, Passages, or Places, except in Cases where it shall be unavoidably necessary to lay the said Gas Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in such Cases the Length of the said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet, in order that no Joint of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least; and that in laying down the said Gas Pipes the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street,

Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall in no Case join Two or more Gas Pipes together previously 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 then in such Trench, and not before, properly form and complete, with proper and sufficient Materials, the Jointing with the other Pipe or Pipes to be connected therewith, and shall also make and keep air-tight all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, and in all and every respect prevent the said Gas from escaping therefrom, or from any Part thereof, upon pain of forfeiting for every Default the Sum of Fifty Pounds.

LV. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Commissioners, or by any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or any other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall, immediately after Notice given to them or him, by Parol or in Writing, of any such Escape of Gas, from any Inhabitant or Inhabitants within the said Town, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Commissioners, or the Company or Companies of Proprietors, Body or Bodies Politic or Corporate, 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 acting Commissioners, or the Company or Companies of Proprietors, Body or Bodies Politic or Corporate, 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 escape as aforesaid; which Penalty or Penalties 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 of the Peace, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the Treasurer of the said Commissioners, or of the Goods and Chattels of the said Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or of the other Person or Persons as aforesaid.

For preventing the Escape of Gas.

LVI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously remove, destroy, damage, or injure any or any Part of any Pipe, Plug, or other Apparatus, Matter, or Thing belonging to the said Commissioners, or to any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, or shall wilfully or maliciously waste, or beyond his, her, or their Contract consume, any of the Inflammable Air or Gas supplied by the said Commissioners, Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons, every Person so

Penalty on damaging Pipes.

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, shall forfeit and pay to the said Commissioners, or to the Party or Person injured, 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), on Demand, to the Owner of such Goods and Chattels, or such Offender shall or may be committed to the Common Gaol or House of Correction of the said County, as the Case may require, there to remain for any Time not exceeding Six Calendar Months.

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

LVII. Provided always, and be it further enacted, That if the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever which shall arise or be made in the Prosecution of the said Gas Works into any River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, or Springhead, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in every such Case the said acting Commissioners, or such Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, and such Penalty and 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, Complaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, or more than One Imparlance, 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 is 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 any River, Brook, or running Stream, or any Canal, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever to the said Commissioners or any of them, or to the Company or Companies of Proprietors or any of them, or to the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, and the said Commissioners, Company or Companies

panies of Proprietors, Body or Bodies Politic or Corporate, 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, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, 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 done or committed.

LVIII. And be it further enacted, That whenever the Water of any Company of Proprietors, or other Owners or Proprietors of any Water Works within the said Town, or the Water in any Well or Pond belonging to or used by any Party or Person whomsoever, shall be contaminated or affected by the Gas of the said Commissioners, or of any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other 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 the same shall be applied to and for the Use and Benefit of the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, Well, or Pond, or the Party or Person using any such Water and suing for such Penalty; 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, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, 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 the said Company of Proprietors, or by other the Owners or Proprietors of any Water Works, Well, or Pond, or by any Party or Person interested in or using any such Water, to be left at the usual Office or Place of transacting Business of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or at the last or usual Place of Abode of such other Party or Person as aforesaid, cause Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting any such Water; and in case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent

Commissioners, &c. to prevent Contamination of Water.

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, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall on each and every Complaint whereof Notice shall be given as aforesaid forfeit and pay to the Treasurer for the Time being, or to any One of the Directors for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, or to the Party or Person interested in or using any such Water, and complaining as aforesaid, for the Use and Benefit of the same Proprietors or Owners, or Party or Person, over and above the before-mentioned Penalty of Twenty Pounds, to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which any such Water shall be and remain contaminated, tainted, or affected by any such Gas as aforesaid; 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, Manager, or Chief Clerk for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, or by and in the Name of any One or more of the Directors of the said Company of Proprietors, or other the Owners or Proprietors of any Water Works, at the Option of the Parties prosecuting such Information, or in the Name of the Party or Person interested in or using any such Water, and complaining as aforesaid, against the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, before any Justice of the Peace, 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, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other 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 the Treasurer, or to One of the Directors for the Time being of the Company of Proprietors, or other the Owners or Proprietors of any Water Works, for the Use of the same Owners or Proprietors, or to the Party or Person interested in or using any such Water, and informing or complaining as aforesaid.

For ascertaining if the Water is contaminated.

LIX. 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, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein; be it therefore enacted, That in every such Case it shall and may be lawful to and for the said Company, or other the Owners or Proprietors of any Water Works, to dig to and about, and search and examine, the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination

tamination proceed from or be occasioned by the Gas of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, 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, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; 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, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, then and in such Case the said Company, or other the Owners or Proprietors of any 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, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement of the said Streets so broken up 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.

LX. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend or be construed to extend to protect the said Commissioners, or any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or any Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, or any of the Servants or Officers or Workmen of the said Commissioners, or of any such Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, from any Indictment or Prosecution for a public or private Nuisance, in respect of any Works, or the Means which shall be employed by them in making the said Gas and using the same, or furnishing any such Gas Light, nor from Action or Actions for any Injury or Damage sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of the same Gas, or the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

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

LXI. And be it further enacted, That if any Person or Persons shall wilfully break, throw down, displace, or damage any Lamp or Lamps that shall be set up by virtue of this Act by Order of the said Commis-

Penalty on breaking Lamps, &c. wilfully.

[Local.]

43 E

sioners,

sioners, or by any Person or Persons at his, her, or their own Expence, for the Purpose of lighting any of the said Streets, Squares, Crescents, Lanes, Passages, or Places, or shall wilfully extinguish the Light or Lights within the same, or shall throw down or damage the Posts, Irons, Covers, or other Furniture of any such Lamp, it shall and may be lawful to and for any Person or Persons whomsoever who shall see any such Offence committed, and also for any other Person or Persons whomsoever, to seize or assist in seizing the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them into the Custody of a Watchman or of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said County of *Warwick*; and such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information or Evidence touching such Offence; and if the Party or Parties accused shall be convicted, either by his, her, or their Confession, or upon such Information or Evidence as aforesaid, then and in every such Case he, she, and they shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall moreover pay such Sum or Sums of Money as shall be deemed by such Justice to be a full Satisfaction for the Damage so by him, her, or them done as aforesaid; and in case such Offender or Offenders shall not on Conviction pay such Forfeiture, and also such Satisfaction as aforesaid, such Justice is hereby required to commit him, her, or them to the Common Gaol, there to be kept to hard Labour for any Space of Time not exceeding One Calendar Month; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be so committed, unless such Forfeiture and Satisfaction shall be sooner paid and given.

Satisfaction
to be made
for accidental
Damage to
Lamps, &c.

LXII. And be it further enacted, That in case any Person or Persons shall carelessly, negligently, or accidentally break, throw down, or damage any Lamp or Lamps hung out or set up by Order of the said Commissioners, or by any Person or Persons at his, her, or their private Expence, or the Posts, Irons, Covers, or other Furniture thereof, and shall not immediately, upon Demand, make Satisfaction for the Damage done thereto, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the said County of *Warwick*, upon Complaint to him made by One or more credible Witness or Witnesses, to summon before him the Party or Parties who shall be complained of for doing such Damage as aforesaid, and upon hearing the Allegations and Proofs on both Sides, or on Non-appearance of the Party or Parties complained of, to award such Sum or Sums of Money by way of Satisfaction to the Commissioners, or to the other Owner or Owners of such Lamp or Lamps (as the Case shall be), for such Damages, as such Justice or Justices shall think reasonable; and in case of Neglect or Refusal to pay any Sum or Sums of Money so awarded within Three Days after Demand it shall and may be lawful to and for such Justice, and he is hereby required, to cause the same to be raised and levied in such and the like Manner as any Fine, Penalty, or Forfeiture is by this Act directed to be raised and levied.

Foot Pavements
to be
swept.

LXIII. And be it further enacted, That the several and respective Occupiers of Houses and Buildings in the said several Streets, Lanes, Roads, Highways, and other public Places within the said Town shall and they are hereby

hereby required to cause the several Foot Pavements along the whole Length of their respective Houses, and also at the End of and behind the same, when the Sides or Backs of such Houses adjoin any public Way, to be well and sufficiently swept and cleansed every *Tuesday* and *Saturday* in each and every Week in the Year before Nine of the Clock in the Morning of each of the said Days respectively; and in case of any Default in the Premises, every such Occupier so making Default shall forfeit and pay any Sum not exceeding Ten Shillings for each Default.

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

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

LXV. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required to purchase or hire any Cart or Carts, or other Carriage or Carriages, and also any Horse or Horses, and to nominate and appoint any Person or Persons for the Purpose of cleansing the several Streets, Squares, Crescents, Lanes, Passages, and Places within the said Town, and of carrying away the Dust, Dirt, Filth, Rubbish, Cinders, or Ashes from any House or Houses or other Premises within the same; or it shall be lawful for the said Commissioners to contract with any Person or Persons for cleansing the same, and for carrying away the Dust, Dirt, Cinders, or Ashes from any House or Houses or other Premises within the same.

Scavenger.

LXVI. And be it further enacted, That the Person or Persons employed by or contracting with the said Commissioners for cleansing the several Streets, Squares, Crescents, Lanes, public Passages and Places within the said Town, or the Person or Persons employed by or acting under the Direction of such Person or Persons so contracting with the said Commissioners, shall Twice in every Week, (that is to say,) on every *Tuesday* and *Saturday*, between such Hours of those respective Days, and also on such other Days, and at or between such Hours, as the said Commissioners shall from Time to Time appoint, sweep and collect together all Dust, Dirt, Filth, or Rubbish in such Streets, Squares, Crescents, Lanes, public Passages and Places, and shall also bring or cause to be brought a Cart or other proper Carriage in such Streets, Squares, Crescents, Lanes, or other Passages or Places where such Cart or other Carriage can pass, and shall at his or their Approach with such Cart or other Carriage, and not before, by Sound of Bell, Voice, or otherwise, give Notice to the Inhabitants of his or their coming, and give the like Notice in every Court, Passage, or Place into which such Cart or Carriage cannot pass; and

Scavenger's Duty.

and such Person or Persons so employed by or contracting with the said Commissioners shall immediately take the Dust, Dirt, Cinders, Rubbish, Ashes, and other Filth (except Filth from any Privy or Necessary House) from the respective Premises in such several Streets, Squares, Crescents, Lanes, public Passages and Places, and put the same in such Cart or Carriage, all which Dust, Dirt, Rubbish, Cinders, Ashes, and Filth (except as aforesaid); as well as all such Dust, Dirt, Dung, Ashes, and other Filth as shall be swept up and collected together as aforesaid, such Person or Persons shall then immediately, or as soon as may be, carry away or cause to be carried away to the Place or Places appointed for depositing the same, upon pain of forfeiting any Sum not exceeding Five Pounds for every Offence or Neglect therein; and the Person or Persons so employed or contracting as aforesaid shall cause the Words "Scavenger's Cart" to be painted in large Roman Letters on the Front or on some conspicuous Part of every Cart or Carriage used for the Purposes aforesaid, on pain of forfeiting any Sum not exceeding Ten Shillings for every Neglect therein.

Penalties as
to Rubbish,
&c.

LXVII. And be it further enacted, That if any Person or Persons whosoever shall throw, cast, or lay, or cause to be thrown, cast, or laid, any Bricks, Stones, Dust, Dirt, Mould, Dung, Offal, Rubbish, Ashes, or other Filth whatsoever, into or on the Side of any Street, Square, Crescent, Lane, or other public Passage or Place within the said Town (except as herein excepted), every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings; or if any Person or Persons whosoever shall throw or cast any such Stones, Bricks, Dust, Dirt, Mould, Dung, Offal, Rubbish, Ashes, or other Filth or Thing whatsoever, into any Sewer, Drain, Sink, or Watercourse under the Direction of the said Commissioners within the said Town, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Materials in
new Build-
ings.

LXVIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to subject any Person whomsoever to any Penalty by this Act inflicted for or on the Account of any Stones, Bricks, Rubbish, Mould, or Dirt being laid or placed in any Street, Square, Crescent, Lane, or public Passage or Place as aforesaid, occasioned by the building, pulling down, altering, or repairing his or her House or other Building, so as there be full and sufficient Space, in the Opinion of the said Commissioners or of their Surveyor for the Time being, left in or at the Side of the Street, Square, Crescent, Lane, public Passage or Place, where such Rubbish, Mould, or Dirt shall lie or be placed, for Carriages to pass and repass, and a sufficient Way kept clean for Foot Passengers by the Person or Persons laying or causing such Stones, Bricks, Rubbish, or Dirt to be laid or placed, and so as the Course of any of the Gutters be not choked up or impeded, or turned or varied thereby, and so as a sufficient Light be, at his, her, or their own Expence, set and maintained at the Place where such Stones, Bricks, Rubbish, or Dirt shall be so laid or placed; from Sunset to Sunrise, to prevent any Mischief happening to Passengers or Cattle, and so as the same be inclosed and fenced about in such Manner and within such Time as the said Commissioners shall by any Notice, to be by their Order given to or left with such Person or Persons, direct and appoint, and so as such Rubbish or Dirt be removed at the Expence of the Person or Persons so laying

laying or causing the same to be laid, within a Time to be expressed in a Notice to be in like Manner given by the said Commissioners.

LXIX. And be it further enacted, That if any Person or Persons who-soever, other than the Person or Persons employed by or contracting with the said Commissioners for cleansing the several Streets, Squares, Crescents, Lanes, or other public Passages or Places within the said Town, or the Person or Persons employed by or acting under the Direction of the Person or Persons so contracting as aforesaid, shall take or carry away, or cause to be taken or carried away, any Dirt, Dust, Dung, Ashes, or other Filth out of any of such Streets, Squares, Crescents, Lanes, or other public Passages or Places as aforesaid, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

No Person
to remove
Dirt but
Contractors.

LXX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any Person or Persons from preserving and keeping any Soil, Dirt, Dust, Dung, Ashes, Cinders, Manure, Muck, Filth, or Rubbish which shall have arisen or been made within his, her, or their Houses, Yards, or other Premises, or from making use of the same for the Purpose of manuring any Lands in his, her, or their own Occupation, so as such Soil, Dust, Dirt, Cinders, Dung, Ashes, Manure, Muck, Filth, or Rubbish be not laid down or placed in any Street, Square, Crescent, Lane, public Passage or Place within the said Town for any longer Time than shall be necessary for loading and carrying away the same, nor be suffered to remain so as to be an Annoyance to any of the Inhabitants of or Persons resorting to the said Town; but in case any Person or Persons so reserving such Soil, Dirt, Dust, Dung, Ashes, Cinders, Manure, Muck, Filth, or Rubbish shall thereby annoy any of the said Inhabitants or Persons resorting to the said Town, or shall permit or suffer the same to remain in any such Street, Square, Crescent, Lane, public Passage or Place for any longer Time than from Sun-set to Sun-rise before the same shall be carried away or removed, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings for every Day that such Annoyance shall be suffered to remain after the Time limited as aforesaid.

Persons may
use their own
Dust, &c.

LXXI. And be it further enacted, That if any Person shall empty any Necessary House, or carry any Night Soil along any Street, Square, Crescent, Lane, or other public Passage or Place within the said Town, before the Hour of Twelve of the Clock at Night or after Five of the Clock in the Morning in any Part of the Year, or put or cast any Night Soil in or near the said Streets, Squares, Crescents, Lanes, or other public Passages or Places, or in any respect improperly, carelessly, or negligently remove the same, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Soil, &c. to
be removed
between the
Hours of
Twelve at
Night and
Five in the
Morning.

LXXII. And be it further enacted, That the said Commissioners shall have full Power and Authority to cause the said Streets, Squares, Crescents, Lanes, public Passages or Places, to be watered as often as they shall think fit, and for that Purpose to purchase or hire such Number of Water Carts and Horses, and employ such Number of Persons as they may deem

Streets to be
watered.

[*Local.*]

43 F

necessary,

necessary, and also to cause any Water Pipe or Water Pipes to be laid, or any Well or Wells to be dug and sunk, and any Pump or Pumps or other Works to be erected in such public Place or Places as they shall think proper within the said Town for the Purpose aforesaid, and to cause the same to be removed or altered as they shall see Occasion; and all the Expences attending the same shall be defrayed out of the Monies to be raised by virtue of this Act.

Power for Commissioners to lay new Tunnels, Gutters, &c.

LXXIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to cause to be cut or made, in, through, over, or under any of the said Streets, Lanes, Crescents, public Passages and Places, any new Tunnels, Gutters, Sinks, Drains, Sewers, or Watercourses for conveying the Water from the same respectively, and also to cause any of the present Gutters, Sinks, Drains, Sewers, and Watercourses to be opened or widened, altered, turned, varied, or changed, in such Manner as they the said Commissioners shall think fit, Compensation being made by the said Commissioners to the Proprietors of Houses sustaining any Loss or Damage by or by means of the altering any of such Gutters, Sinks, Drains, Sewers, or Watercourses which shall be so opened, widened, altered, turned, varied, or changed, for any Loss or Damage which they may respectively sustain thereby; the same to be decided, in case of Difference or Dispute, by One Justice of the Peace for the said County.

Branch Drains not to be made to public Sewers without Leave of Commissioners.

LXXIV. And be it further enacted, That no Person or Persons shall, without the Leave or Licence of the said Commissioners, make any Drain or Drains into any of the public Sewers, Drains, or Vaults already made or which shall hereafter be made by virtue of this Act, upon pain that every Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds, to be recovered by Action of Debt, Bill, Complaint, or Information in any of His Majesty's Courts of Record at *Westminster*, with full Costs of Suit.

Repair of private Drains.

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

Commissioners may allow Persons who originally made private Sewers to receive the Money to be paid for laying into the same.

LXXVI. Provided always, and be it further enacted, That when Application shall be made by any Person or Persons for Leave to lay into any Sewer or Drain vested in the said Commissioners by virtue of this Act, and which Sewer or Drain shall have been made by and at the private Expence of any Individual or Person whomsoever, then and in such Case, and so often as the same shall occur, it shall and may be lawful to and for the said Commissioners to order and direct the Money to be paid by such Person or Persons so applying as aforesaid to pay the Sum or Sums of Money which he or they shall be willing to pay for Leave to lay into such Sewer or Drain, or any Part thereof, to the Individual

or Person at whose Expence the same Sewer or Drain was originally made.

LXXVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized, empowered, and required, from Time to Time as they shall think necessary or proper, to appoint such Number of able-bodied Men as they shall judge proper to be employed as Watchmen within the said Town during the Night-time, 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 for the safe Custody of such Persons as may be apprehended by such Watchmen while on Duty, and to pay such Watchmen reasonable Wages or Allowances, and also to appoint One or more fit Person or Persons in the Stead of any Watchman or Watchmen who shall die, or who shall be discharged from his or their Office for Neglect of Duty or other Misbehaviour in Office, and also to impose from Time to Time any Fine not exceeding Forty Shillings on any Watchman for every such Neglect or other Misbehaviour, and from Time to Time to make such Orders and Regulations as they the said Commissioners shall judge expedient for the better Government of the Watchmen to be so appointed, and to repeal such Orders and Regulations, or any of them, and to substitute others; and it shall be lawful for such Watchmen and they are hereby required in their respective Stations to apprehend and secure, in some proper Place or Places of Security, to be for that Purpose appointed within the said Town, all Malefactors, Rogues, Vagabonds, disorderly Persons and Disturbers of the public Peace, and all suspected Persons who shall be found wandering or misbehaving themselves during the Hours of keeping Watch, and to conduct all such Persons as soon as conveniently may be before some Justice of the Peace of the said County of *Warwick*, to be examined and dealt with according to Law.

Watchmen to be appointed.

LXXVIII. And be it further enacted, That the said Watchmen shall be sworn in as Constables before any Justice of the Peace for the said County of *Warwick*, 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 to be sworn in Constables.

LXXIX. And be it further enacted, That if any Victualler or Keeper of any Public House shall knowingly harbour or entertain, or suffer to remain in his or her Public House or Premises thereto belonging, any such Watchman as aforesaid, during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper shall on Conviction forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Penalty on Victuallers harbouring Watchmen.

LXXX. And be it further enacted, That it shall be lawful for the said Commissioners to give such Rewards in Money to the Watchmen respectively to be appointed as aforesaid, who may be disabled or wounded in the Execution of their Office, as they the said Commissioners shall think reasonable;

Remuneration to be given to disabled Watchmen.

reasonable ; such Money to be paid out of the Monies to be raised for the Purposes of this Act.

Punishment
of Watchmen
misconduct-
ing them-
selves.

LXXXI. And be it further enacted, That in case any of the Watchmen to be appointed by virtue of this Act shall be guilty of any Neglect or Misconduct in the Execution of his Duty, it shall be lawful for any Two Justices of the Peace for the said County, upon Complaint against any such Watchman of any such Neglect or Misconduct, to commit any such Watchman to the House of Correction for the said County for any Term not exceeding Three Calendar Months.

Empowering
Commission-
ers to license
and regulate
Hackney
Coachmen,
Porters, &c.

LXXXII. And be it further enacted, That it shall be lawful for the said Commissioners to make, constitute, ordain, and provide, from Time to Time, such Bye Laws, Rules, and Orders as they the said Commissioners shall think fit, for licensing and authorizing a sufficient Number of Hackney Coaches, Cars, Bath Chairs, Poney Chaises or Carriages, and other Vehicles to ply for Hire or Fares ; and also Porters, Basket Men and Basket Women, Barrow Men and Barrow Women, to ply for Hire ; and for regulating and ordering such Hackney Coaches, Cars, Carriages, and other Vehicles, and such Porters, Basket Men and Basket Women, Barrow Men and Barrow Women, and in what Manner the Owners, Drivers, and Carriers thereof respectively shall conduct and demean themselves in their several Employments ; and also in what Manner and Order and how such Hackney Coaches, Cars, and other Vehicles as aforesaid shall be furnished, provided, kept, and numbered, and what Number of Persons may be carried and conveyed in each of such Coaches, Cars, and other Vehicles as aforesaid, and what Number of Horses are to draw the same ; and concerning the Letters, Parcels, Goods, Things, and Messages to be carried by such Porters, Basket Men and Basket Women, Barrow Men and Barrow Women, or any of them, and the respective Numbers which each of them shall have and keep ; and for ascertaining, fixing, altering, and removing the Stands of such Coaches, Chairs, Cars, and other Vehicles as aforesaid, Porters, Barrow or Basket Men and Barrow or Basket Women, or any of them, from Time to Time, and for punishing the Misconduct and Misbehaviour of a Hackney Coachmen, Carmen, Chairmen, Porters, Basket Men and Basket Women, Barrow Men and Barrow Women, plying for Hire within the said Town of *Leamington Priors*, and the Distances herein-after mentioned within which they are respectively licensed to go and come, and for ascertaining and defining what Rates, Fares, and Prices, as well for Time as Distance, shall be allowed to be taken by such Hackney Coachmen, Carmen, Chairmen, Porters, Basket Men and Basket Women, Barrow Men and Barrow Women, plying for Hire, and to what Distance such Hackney Coachmen, Carmen, Chairmen, Porters, Basket Men and Basket Women, Barrow Men and Barrow Women, and others, shall be obliged to drive, go, and come in, over, and round and about every Part of the said Town of *Leamington Priors*, and the Neighbourhood, Circuit, and District thereof, not exceeding for such Coachmen and Carmen Ten Miles, to be measured from the Parish Church of the said Town of *Leamington Priors*, and not exceeding for such Chairmen Three Miles, to be measured from the same Place, and not exceeding, for such Porters, Basket Men and Basket Women, Barrow Men and Barrow Women, Three Miles, to be measured from

from the same Place, and the Rates and Fares to be taken for the same ; and also it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to make such other Bye Laws, Rules, and Orders as to them shall seem necessary and expedient for carrying the Purposes of this Act into execution (such Bye Laws, Rules, and Orders, or any Alteration thereof, not being repugnant to any Law or Statute of that Part of the United Kingdom called *Great Britain*, or any thing in this Act contained) ; and the said Commissioners may from Time to Time, as they shall think fit, repeal, alter, or amend, or new-make, such Bye Laws, Rules, and Orders, or any of them, and shall ascertain and set down what pecuniary Penalties or Forfeitures shall be incurred by breaking or avoiding the same or any of them, provided no such Penalty or Forfeiture shall exceed the Sum of Five Pounds for One Offence ; and all such Bye Laws, Rules, and Orders, and any Alteration thereof, shall be reduced into Writing and printed, and Copies thereof shall be hung up or placed in some conspicuous open Place in the respective Pump Rooms at the different Spas, and also affixed on the principal outer Door of the Parish Church of *Leamington Priors* aforesaid, subject to Appeal in manner herein-after mentioned.

LXXXIII. Provided always, and be it further enacted, That no such Bye Law, Rule, or Order shall be made, unless the same shall have been proposed and formed at a public Meeting of the said Commissioners held at some Time not less than One Calendar Month before the making of such Bye Law, Rule, or Order, and shall have been publicly made known, and Notice thereof once given in the Newspaper afore mentioned, or some other Newspaper published or circulated within the said County of *Warwick*, Three Weeks before the holding the Meeting at which such Bye Law, Rule, or Order shall be finally made and agreed on.

Bye Laws to be made at a Meeting, of which Notice is to be given.

LXXXIV. And be it further enacted, That all Rules, Bye Laws, and Ordersto be from Time to Time made by the said Commissioners, in pursuance of this Act, for the licensing and regulating the Owners and Drivers of Coaches, Cars, or other Vehicles for Hire, and of the Chairmen carrying any Chairs for Hire, or of Porters, Basket Men, and Basket Women, Barrow Men and Barrow Women, to be employed and licensed as aforesaid, shall be fairly written or printed, and shall be signed by the Clerk for the Time being to the said Commissioners, and Copies thereof shall be hung up or placed in some conspicuous open Place in the respective Pump Rooms at the different Spas, and also affixed on the principal outer Door of the Parish Church of *Leamington Priors* aforesaid.

Rules and Bye Laws to be published.

LXXXV. And be it further enacted, That if the Driver of any Coach, Car, or other Vehicle, or the Carrier or Carriers of any Sedan Chair, or any Porter, Basket Man or Basket Woman, Barrow Man or Barrow Woman, or other Person or Persons, in any other Manner whatsoever, shall be found standing or plying for Hire, or using such Coach, Car, or other Vehicle, or Sedan Chair, or carrying any Matter or Thing for Hire directed to be carried by a licensed Porter, Basket Man or Basket Woman, Barrow Man or Barrow Woman, in any Part of the Town of *Leamington Priors* aforesaid, without such Licence as aforesaid, or having such Licence shall be found plying for Hire contrary to and against the Rules or Regulations which shall be made by the said Commissioners for licensing

Penalties on Hackney Coachmen, &c. plying for Hire without Licence.

and regulating the Persons aforesaid to drive such Coach, Car, or other Vehicle, the Owner or Owners, Carrier or Carriers of such Sedan Chair, and every such Porter, Barrow or Basket Man, and Barrow or Basket Woman, or other Person or Persons so offending; shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Licences to
be granted.

LXXXVI. And be it further enacted, That every Licence to be granted to any of the Persons aforesaid for the Purposes aforesaid (under this Act) shall be signed by Five of the said Commissioners at the least, present at some Meeting to be held under this Act, and every Licence not so signed shall be void; and every Licence so granted and signed for the Purposes aforesaid shall express the Number to which such Person is licensed, and every such Licence shall continue and be in force for One whole Year from the Day of the Date of such Licence; and no One Licence shall include both Coach and Chair, nor more than One Coach, Car, or other Vehicle or Chair, Porter, Barrow or Basket Man, or Barrow or Basket Woman; and every such Licence shall be made out by the Clerk for the Time being to the said Commissioners, and be duly entered in a Book to be provided and kept for that Purpose in his Office, with the Name of the Person to whom licensed, and his or her Number and Place of Residence; and in such Book shall be contained Columns or Places of Entry to be made of every Offence committed by any Driver or Chairman, or any Porter, Barrow or Basket Man, or Barrow or Basket Woman; for each of which Licences, and doing the Business aforesaid, there shall be paid to the said Clerk for the Time being for his Trouble and Charge the following Sums; *videlicet,*

For each Licence for a Hackney Coach, Car, or other Hackney Vehicle, the Person or Persons to whom such Licence shall be granted shall pay on the granting the same, the Sum of Two Shillings and Sixpence: For each Licence for a Hackney Chair, Sedan Chair, Bath, or Pony Carriage, or other Vehicle than a Hackney Coach or Car, the Person or Persons to whom such Licence shall be granted shall pay, on the granting the same, the Sum of Two Shillings:

And for each Licence to be a Porter, Basket or Barrow Man, or Basket or Barrow Woman, the Person to whom such Licence shall be granted shall pay, on having the same granted, the Sum of One Shilling:

And every Owner or Driver of any Coach, Car, or other Hackney Vehicle, and the Carrier, Drawer, or Propeller of any Chair, shall affix and keep such Figure or Number as shall be respectively appointed by such Commissioners as aforesaid on some conspicuous Part of such Coach, Car, or other Vehicle and Chair; and every such Porter shall affix and keep on his outward Garment such Ticket or Number to which he shall be respectively licensed by such Commissioners; and every Basket or Barrow Man and Basket or Barrow Woman shall affix and keep on his or her Basket or Barrow the Number to which he or she shall be licensed as aforesaid; and every Owner or Driver of any Coach, Car, or other Vehicle, or the Carrier of any Chair, and every Porter, Basket or Barrow Man, and Basket or Barrow Woman, changing his or her Place of Residence after the granting the Licence to them respectively for the Purposes aforesaid, shall within the Space of Seven Days next after, and as often as any such Change shall be made during the Continuance of such Licence, deliver in Writing his or her Name, and the Name of the Street or Place in which

he or she shall dwell, to the Clerk for the Time being of the said Commissioners, to the end that the same may be duly entered in such Book to be kept for the Purposes aforesaid, and the Person more easily discovered, if any Complaint shall be made against him or her; and every Owner or Driver of such Coach, Car, or other Vehicle, or Carrier or Carriers of such Chair, and every Porter, Basket or Barrow Man, and Basket or Barrow Woman, shall for every Refusal or Neglect to do the Matters and Things herein-before directed to be done by him, her, or them forfeit and pay the respective Sums following, namely, if the Person offending be a Hackney Coachman or Carman, any Sum not exceeding Five Pounds, and if any other Description of Person aforesaid, any Sum not exceeding Forty Shillings.

LXXXVII. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay on Demand, any licensed Hackney Coachman, Carman, or Owner of such other Vehicle as aforesaid, or Chairman, Porter, Basket Man, or Basket Woman, the Money justly due to him or her for the Fare, Hire, or Service done under or in pursuance of any Licence or Bye Law made in pursuance of this Act, it shall be lawful for any One or more Justice or Justices of the Peace of and for the said County of *Warwick*, upon any Complaint thereof made to him or them on Oath or Affirmation, (and which Oath or Affirmation such Justice is hereby empowered to administer,) to grant his or their Summons against the Person or Persons complained of, to appear before him or them at some Time and Place to be mentioned in such Summons, to answer the Matter of the said Complaint; and on Proof on Oath or Affirmation (to be administered as aforesaid) of the Service thereof, such Justice or Justices shall proceed to hear the Matter of the said Complaint on Oath or Affirmation (to be administered as aforesaid, whether the Person summoned shall appear or not, and to make such Order therein as to such Justice or Justices shall appear to be just; and if the Person or Persons against whom such Order shall be made do not immediately pay or cause to be paid the Money, if any shall be ordered, as a Satisfaction to the Person or Persons for the Service done, it shall be lawful for such Justices, and he and they is and are hereby required and directed, to grant his or their Warrant of Distress against the Goods and Chattels of the Person or Persons so refusing or declining to pay, and the same to sell and dispose of, and out of the Monies arising by or from such Sale to pay the Monies awarded to the Person or Persons to whom awarded, together with such Costs as such Justice or Justices shall think reasonable, returning the Overplus (if any), upon Demand, to the Owner of the Goods and Chattels so distrained; and if no sufficient Distress can be found, then to commit the Person or Persons against whom such Order shall be made to the Common Gaol of the said County of *Warwick* for any Time not exceeding Three Calendar Months, there to remain without Bail or Mainprize, unless the Money be sooner paid.

Persons refusing to pay legal Fares to be summoned.

LXXXVIII. And be it further enacted, That all Offences, Misbehaviours, Punishments, Penalties, and Forfeitures that may arise, happen, or be incurred, committed, or be done by any Owner or Driver of any Hackney Coach, Car, or Vehicle, or any Carrier or Carriers, Drawer or Propeller of any Sedan Chair, Bath Chair, or any other Vehicle, or any Porter, Basket or Barrow Man, or Basket or Barrow Woman, whether licensed or not,

Penalties how to be recovered.

not, against any of the Provisions of this Act for licensing or regulating all or any of the Persons, Matters, or Things aforesaid, or against any Bye Law to be made by the said Commissioners for the Purposes of licensing and regulating the several Persons aforesaid, shall be tried, heard, and determined by any One or more Justice or Justices of the Peace for the said County of *Warwick*, who, on Complaint made thereof to him or them, is and are hereby authorized and required to grant or issue his or their Summons in Writing against the Person or Persons so complained of (specifying therein the Complaint so made), to appear personally before him or them on some Day or Time to be mentioned in such Summons, to answer the said Complaint; and if such Person or Persons being served with such Summons (or such Summons being left at his or her House or last Place of Abode) shall not appear at the Time and Place appointed by such Summons, and no reasonable Excuse appearing to the Satisfaction of the said Justice or Justices why he, she, or they did not appear, to be allowed of by such Justice or Justices, and on Oath or Affirmation being made of the due Service of such Summons in the Manner aforesaid, it shall be lawful for such Justice or Justices to grant his or their Warrant for apprehending such Person or Persons, and to bring him, her, or them before such Justice or Justices to answer the said Complaint; and upon the said Complaint, and the said Person or Persons so complained of appearing before such Justice or Justices, or in case the said Person or Persons so complained of cannot be found or apprehended, or shall not appear, then and in either of the said Cases it shall be lawful for such Justice or Justices to proceed in hearing and determining the Matter of the said Complaint on Oath or Affirmation, (and the Testimony of the said Complainant on Oath or Affirmation is hereby made competent, where no Part of the Penalty is to go or be applied to and for his or her Use,) and to make such Order therein as to him or them shall appear just touching such Complaint, and for paying the Costs attending the Application, Hearing, and Determination of the same; and such Person or Persons so complained of is and are hereby required to obey such Order; and in case of any Disobedience of such Order, or in case any such Person or Persons shall be convicted before such Justice or Justices of any of the Penalties or Forfeitures under this Act, or any Bye Law to be made as aforesaid, and shall not immediately pay such Money or Penalty of which he, she, or they shall be convicted before such Justice or Justices, on Demand, to be applied to the Uses after mentioned, then, and in case of Nonpayment thereof, it shall be lawful for such Justice or Justices before whom any such Complaint hath been heard and determined to grant his or their Warrant of Distress against the Goods and Chattels of such Person or Persons, and to seize and distrain the same, and to sell and dispose of the same for raising such Monies, and all Costs attending the same, and the Money to pay and apply to and for the Uses and Purposes herein-after directed; and after Payment and full Satisfaction thereof, together with the Costs attending the same, to return the overplus Money, or Goods (if any), upon Demand, to the Person or Persons whose Goods and Chattels shall be so distrained and sold for the Purposes aforesaid; and it shall be lawful for such Justice or Justices to commit such Person or Persons so convicted as aforesaid to any Prison, Bridewell, or House of Correction in the said County for any Time not exceeding Six Calendar Months, there to remain without Bail or Mainprize (unless the Money mentioned in such Order, if it be an Order for Payment, shall

shall be sooner paid), or to suspend such Person or Persons from using or exercising his, her, or their Licence or Licences, for all or any of the Purposes aforesaid, for all or any Part of the Remainder of the Time for which such Licence or Licences was or were granted, or to take away wholly such Licence or Licences, at the Option of such Justice or Justices.

LXXXIX. And it is hereby further enacted and declared, That all Fines, Penalties, and Forfeitures to be recovered of any Driver or Owner of any Hackney Coach, Car, or other Vehicle as aforesaid, or any Chairman, Porter, Basket or Barrow Man, or Basket or Barrow Woman, or other Person or Persons as aforesaid, shall be applied to the general Purposes of this Act. Application of Penalties.

XC. Provided always, and be it further enacted, That this Act, or any thing herein contained, or any Bye Law, Rule, or Order to be made by the Commissioners for any of the Purposes aforesaid, shall not extend or be construed to extend to prohibit or hinder any Person or Persons from having or using his, her, or their own Coach or Chair, Car, or other Vehicle, within the Districts aforesaid, so as the same do not ply for Hire. Act not to prohibit Persons from using their own Coaches, &c.;

XCI. Provided always, and be it further enacted, That nothing herein contained shall prevent or be construed to prevent any Person from employing his or her own Servant, or the Servant or Servants of any other Person or Persons, or any Labourer or Person who does not follow the Business of a Carrier, Chairman, Porter, or Labourer, in or about the Matters or Things herein-before directed to be carried or done by any such licensed Porter or Labourer; any thing herein contained to the contrary notwithstanding. or Servants, &c.

XCII. And be it further enacted, That 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, Sign Boards or Sign Posts, or Trees, in such Streets, Squares, Crescents, Lanes, Passages, or Places, or any of them, as shall be a Nuisance or Obstruction to Foot Passengers, Horses, or Carriages, and to erect and set up any other Posts, Rails, or Pales in any Place or Places as they shall think proper, for the better Security of Passengers or Carriages, or of the Foot Pavements or Kirb Stones, from Damage by Waggon, Carts, or other Carriages. Commissioners to remove Obstructions, &c.

XCIII. And be it further enacted, That from and after the passing of this Act the Water from the Tops or Roofs of all Houses and other Buildings now or hereafter to be made or built within the said Town of *Leamington Priors* shall (if not conveyed into private Cisterns or Reservoirs belonging to such Houses or Buildings) be conveyed by Pipes, to be fixed to the Fronts or Sides thereof respectively, into the common Channels or Drains, within One Calendar Month after a Day to be expressed in a Notice in Writing under the Hands of the said Commissioners or their Clerk for the Time being, to be for that Purpose given to or left at the last or usual Place of Residence of the Owners or Occupiers of such Houses or Buildings; and that all Penthouses, Bow Windows, Shutters, Signs, Sign Posts, Shew Boards, Spouts, Pales, For regulating Water Spouts and removing Projections

Rails, Grates, Steps, Scrapers, Projections, or other Matters or Things whatsoever, which in the Judgment of the said Commissioners shall be inconvenient to or incommode Passengers upon any of the present or future Footways or Carriageways of the several Streets, Squares, Crescents, Ways, Lanes, Passages, or public Places within the said Town, shall within Six Weeks after a Day expressed in a like Notice to be for that Purpose given to or left as aforesaid, to be taken down, filled up, removed, or altered by or at the Expence of the Owner or Owners thereof, under the Inspection and Direction of the Surveyor or other proper Officer of the said Commissioners; and in case the respective Owners or Occupiers shall neglect or refuse to obey such Notices, and to observe and perform the several Matters and Things hereby respectively required to be done within the Time aforesaid, then every Person so neglecting or refusing to pay shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for every Week the same shall so remain undone; and then also it shall and may be lawful for the said Commissioners to cause the same to be taken down, filled up, removed, altered, and fixed in the Manner and for the Purposes aforesaid, and shall return or cause to be returned to the respective Owners thereof, or to be left on the Spot from whence the same shall be so respectively removed, or as near thereto as conveniently may be, for such Owners, so much of such Matters and Things as aforesaid as shall not be affixed or set up or otherwise made use of in the Alterations directed by this Act; and the Charges and Expences attending the same shall be recovered from the Owners or Occupiers thereof respectively, in the same Manner as any Penalties or Forfeitures inflicted by this Act are hereby directed to be recovered on Nonpayment; and if such Owners and Occupiers shall cause such Matters and Things to be placed, erected, built, or made contrary to the Directions and Intentions of this Act, every such Owner for every Week he shall so offend shall forfeit and pay any Sum not exceeding Five Pounds, or otherwise it shall be lawful for the said Commissioners to order the same to be taken down, filled up, removed, or altered, in such Manner as they shall think proper, without giving any Notice to the Owner or other Person offending therein, and the Charges and Expences attending the same shall or may be recovered of the Person or Persons so offending in the same Manner as is last herein directed for Recovery of Penalties: Provided always, that in case any Occupier or Occupiers of any such Houses or other Buildings shall be required to make such Alterations, Matters, and Things as aforesaid, then it shall be lawful for him or them to deduct or retain the Costs, Charges, and Expences of doing thereof out of his, her, or their Rent, and his, her, or their Landlord or Landlords is and are hereby required to allow the same accordingly: Provided also, that in all Cases where any such Alterations as aforesaid shall be made to any House or Building where any Person or Persons shall have any Estate for Life or Lives, or any greater Estate, Term, or Interest than for Twenty-one Years, such Person or Persons shall be and be deemed the Owner or Owners of such House or Building, for the Purpose of such Alterations being made as aforesaid; any thing herein contained, or any Law or Custom, to the contrary notwithstanding.

Not to extend to Projections, &c. made before the passing of the Act.

XCIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize and empower the said Commissioners to interfere or intermeddle with any such Pent-

Penthouses, Bow Windows, Shutters, Posts, Pales, Rails, Grates, Steps, or Scrapers, that shall have been erected, set up, or made before the passing of this Act, without the Consent of the respective Owner or Owners thereof.

XCV. And be it further enacted, That the said Commissioners at any of their Meetings shall and may and they are hereby required to order and cause to be placed on some conspicuous Part of some House or Building, at or near each End, Corner, or Entrance of the several Streets, Crescents, Squares, Lanes, and other public Passages already erected or made or hereafter to be erected or made within the said Town of *Leamington Priors*, the Name by which every Street, Passage, or Place is usually or shall be called or known, and also shall and may cause every House, Shop, Warehouse, or Building to be marked and numbered in such Manner as they shall think most proper for distinguishing the same; and if any Person or Persons shall wilfully and maliciously destroy, pull down, injure, obliterate, or deface any such Name, Inscription, or Number, or any Part thereof, or cause or procure the same to be done, every such Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Names of Streets and Numbers of Houses to be affixed.

Penalty on Persons obliterating Names.

XCVI. And be it further enacted, That when any such Number or Numbers painted or put on any House, Tenement, or other Premises within the said Town shall be defaced or rubbed out, the Owner or Owners, Occupier or Occupiers of such House, Tenement, or other Premises, where the Number or Numbers shall be so defaced or rubbed out, shall, upon personal Notice given to him, her, or them, or upon Notice in Writing left at such House, Tenement, or other Premises, signed by the Clerk to the said Commissioners, cause the same Number or Numbers to be in the same or like Manner painted or put on such House, Tenement, or other Premises within Seven Days after such Notice; and in case of Neglect or Refusal to comply with such Order, every such Owner or Occupier shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Numbers, &c. defaced to be restored.

XCVII. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, Gardens, and Lands within the said Town, and every of them, shall and they are hereby respectively authorized and required, at their own Costs and Charges, within Seven Days next after receiving Notice in Writing from the said Commissioners in that Behalf, signed by any Five or more of the said Commissioners, or by their Clerk for the Time being, to cause all such of the Doors and Gates leading into the several Houses, Buildings, Yards, Gardens, and Lands in their respective Occupations (and not being Cellar Doors or Trap Doors), which now do or shall hereafter open outwards upon or over any Footpath in any of the Streets, Lanes, Ways, Roads, Passages, and other public Places, and all Gates or Bars which do or shall open outwards upon or over any Highway or public Road within the said Town, to be altered, so as that the same Doors, Gates, or Bars shall thenceforward open inwards and into their respective Premises, so as to cause no Obstruction to the public Passage in opening the same, or when the same are opened; and if any such Occupier of any of the aforesaid Premises shall neglect or refuse to make the Alteration required by the said Commissioners in any such Door, Gate,

Doors and Gates to open inwards.

or

or Bar within the Period specified in such Notice, such Occupier making default therein shall forfeit and pay the Sum of Twenty Shillings for every Day during which any such Gate, Door, or Bar shall be suffered to remain opening outwards as aforesaid after the Expiration of the Time specified in such Notice; provided nevertheless, that when the Occupier of any such House, Building, Yard, Garden, or Land, being a Tenant at Rack Rent, shall cause any such Door, Gate, or Bar to be duly altered in pursuance of such Notice as aforesaid, it shall be lawful for him or her to deduct and retain out of his or her Rent the necessary Charges of altering the same, and the Proprietor or Landlord of every such House, Building, Yard, Garden, or Land so held at Rack Rent is hereby required to allow the same accordingly, except only in Cases where such Door, Gate, or Bar opening outwards and so altered shall have been originally put up by or under the Authority of the Person or Persons occupying the Premises at the Time the Alteration is made under this Act, in which Case the Occupier shall be at the Expence of altering the same; and provided also, that it shall be lawful for the said Commissioners to allow to such Occupier or such Proprietor all or any Part of the Expence of making any such Alteration, if the said Commissioners shall think it reasonable so to do.

For prevent-
ing Nuisances
in the Streets
and on the
Footpaths.

XCVIII. And be it further enacted, That if any Person or Persons shall, in any of the Streets, Squares, Crescents, Lanes, Ways, Passages, and public Places now made or built or which shall hereafter be made or built within the said Town of *Leamington Priors*, expose to sale any Horse, Mare, Gelding, Mule, Ass, Pig, Sheep, Bull, Cow, or other Beast (except in such Part or Parts of the said Town as shall from Time to Time be fixed and appointed by the said Commissioners for the Purpose of exposing to Sale such Horses or Beasts); or dress or cleanse any Cask, or hoop, fire, cleanse, wash, or scald any Cask, or discharge, cast, or throw away therein any of the Contents of any Cask, or set out or place any Cask, Tub, Box, Pail, Bucket, or any Furniture, Goods, Wares, or Merchandize, or any other Matter or Thing; or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber (except for the Purpose of rebuilding, altering, or repairing any House or Building in the Manner herein mentioned, or for any of the Purposes by this Act required or authorized to be done, in which Cases the same shall, if the Commissioners shall think proper and direct, be fenced and inclosed in the Manner in this Act mentioned); or make or repair, or place or leave any Coach, Waggon, Cart, Sledge, or other Carriage, or any Part of a Carriage (except such Carriages as may want immediate repairing from any sudden Accident on the Spot, or which cannot be immediately removed for that Purpose, and except Coaches and Carriages while employed for taking up or setting down Travellers or Passengers, or Persons owning or using them, and except Waggons, Carts, and other such Carriages whilst employed in loading or unloading the same); or shoe or bleed (except in Cases of Accidents), or turn loose any Horse, Mule, Ass, Pig, Sheep, Bull, Cow, or other Beast; or ride on the Shafts of any Waggon, Cart, Sledge, or other Carriage, or Part of a Carriage; or, being the Driver, ride on any Part thereof whatever without sufficient Reins in Hand, or ride on any of the Horses or Cattle drawing the same; or refuse or neglect, on meeting any other Horse or Horses, or Coach, Waggon, Cart, or Carriage, promptly to turn out of the Way, so as to keep as nearly as may be on his Left Side of the Street, Road, or Way, or being the

hindermost of Two or more Coaches, Waggon, Carts, or other Carriages travelling in the same Course or Direction, shall attempt to pass the foremost Coach, Waggon, Cart, or other Carriage, so as to impede or obstruct the Passage of any Coach or other such Carriage, or any Horse or Horses coming from the opposite Direction, and being on their proper or Left Side of the Street, Road, or Way, or by any other Means needlessly obstruct the Passage so as not to leave proper and sufficient Room for other Horses and Carriages; or draw any Timber, Block or Blocks of Wood or Stone, or other heavy Materials, without any Nib or Carriage, or with such Nib or Carriage, to the Detriment of the Road or the Materials thereof; or show or expose any Stallion or Stone Horse, or Donkey, or expose to sale any Horse or other Beast (except in such Place or Places as the said Commissioners shall appoint); or make any Bonfire; or wantonly let off or fire any Musket, Gun, or Pistol, or any Crackers, Squibs, or other Fireworks or Fire-arms; or sift, throw, cast, or lay therein any Ashes, (except in the Time of Frost only, and to prevent Accidents,) or any Dust, Muck, Dung, Filth, Soil, Rubbish, Refuse of Garden Stuff, Blood, Offal, Carrion, or any other offensive Matter or Thing; or hang up, place, or expose to sale any Goods, Wares, or Merchandizes whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butchers Meat, or other Matter or Thing on or projecting over the Footway or Carriageway; or play at Marbles, or trundle, place, or use any Hoops, or carry any Basket or other Thing so as to obstruct or incommode the Passage of any Person or Carriage; or kill or slaughter, or singe, scald, dress, or cut up, any Animal, either wholly or in part, or cause or permit any Blood to run from any Slaughter House, Butchers Shop, or Shambles into the same or any of them; or fix up any Flower or Bough Pot or other Pot or Pots at any Window or Windows without sufficiently guarding the same, so as to prevent their being blown or thrown down; or suffer or permit any Bull Dog, Mastiff, or other ferocious Dog of any other Species, not being closely muzzled, to go at large therein, or permit or suffer any Dog whatsoever to go at large therein after any public Notice given by the Town Crier or Bellman, by Order of the Constable or Constables of the said Town, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of the Existence of Canine Madness; or if any Occupier of any Messuage, Tenement, or Building shall have his or her Chimney on fire; or if any Hackney Coachman, Carman, or Driver of any Vehicle whatsoever, whether licensed or not under this Act, shall drive in a furious Manner; or if any Person or Persons shall, upon any of the present or future Pavements of any of the Streets, Squares, Crescents, Lanes, Ways, Passages, and public Places now made, laid out, or built, or which shall hereafter be made, laid out, or built within the said Town, and used as a Footway, or upon any other Way therein designed or appointed for or as a Footway, run, draw, drive, push, convey, or carry any Truck, Wheel, Sledge, Wheelbarrow, Bier, Handbarrow, or Carriage or Wheel whatsoever, or roll any Cask (other than for the necessary loading or unloading thereof), in, upon, from, or out of any Dray, Waggon, Cart, or other Carriage, or otherwise howsoever, or wilfully ride, lead, drive, or suffer to go thereon any Horse, Beast, or Cattle of any kind, or set out or place any Furniture or Goods, Wares, or Merchandize, or any Cask, Tub, Box, Pail, Bucket, or other Matter or Thing thereon, or in front of or before any House, Shop, or other Building; or if any Person or Persons shall commit any other kind of Obstruction or Annoyance, either in the Carriageway or on the Footway, in any Part of

[*Local.*]

such Squares, Streets, Ways, Lanes, Passages, or public Places as aforesaid; every Person so offending in any of such Cases shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Straying
Cattle to be
impounded.

XCIX. And be it further enacted, That if any Horse, Ass, Bull, Sheep, Cow, or Swine, or other Beast, shall at any Time be found wandering about any of the Streets, Squares, Crescents, Ways, Lanes, public Passages or Places now made or hereafter to be made or built within the said Town of *Leamington Priors*, it shall be lawful for any Officer or Officers to be appointed by the said Commissioners, or for any of the Inhabitants or Persons residing in the same Town, to seize and impound any such Horse, Ass, Bull, Sheep, Cow, Swine, or other Beast in the Common Pound of the said Town, or in such other Place as the said Commissioners shall appoint, and the same there to detain until the Owner or Owners thereof shall for each Beast so impounded pay a Sum of Money not exceeding Forty Shillings to the Treasurer for the Time being to the said Commissioners towards the Purposes of this Act, and also the Sum of One Shilling to the Person impounding the same, besides the reasonable Charges and Expences of impounding and keeping; and in case the said Sums, Charges, and Expences shall not be paid within Three Days after such impounding it shall be lawful for the Pound Keeper, or such other Person as shall be appointed by the said Commissioners, to sell or cause any such Beast to be sold (but previous to such Sale Seven Days Notice shall be given to or left at the Dwelling House or Place of Abode of the Owner or Owners of such Beast or other Animal so impounded, of such intended Sale, if the Owner or Owners thereof shall be known, or if not, then Notice of such intended Sale shall be given by Advertisement to be inserted Seven Days before such Sale in the Newspaper herein-before mentioned, or in some other Newspaper published or circulated in the said County of *Warwick*); and the Money arising from such Sale, after deducting the said Sums, and the Charges and Expences aforesaid, and such other Charges and Expences as may attend the Keeping and Sale of any such Beast so impounded, shall be paid to the said Treasurer, to be by him paid to the Person or Persons whose Property the Beast or other Animal so sold shall appear to have been, and which Money the said Treasurer for the Time being is hereby directed and required so to pay on Demand.

Punishment
of Persons
guilty of
Pound
Breach.

C. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Horse, Ass, Bull, Sheep, Cow, or Swine, or other Beast 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, Bull, Sheep, Cow, or Swine, or other Beast 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, either upon the 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 or House of Correction for the County or Place wherein the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

CI. And be it further enacted, That in case any Slaughter House, Hogstye, Necessary House, or other noisome or offensive Building or Place whatsoever, in or near any of the Streets, Squares, Crescents, Lanes, public Passages or Places within the said Town, shall by the said Commissioners, or any Five or more of them, be deemed a Nuisance, it shall and may be lawful to and for the said Commissioners, upon Complaint thereof made to them by any Five Householders in *Leamington Priors* aforesaid, by Notice in Writing under the Hands of the said Commissioners, or under the Hand of their Clerk for the Time being, to order any such Nuisance or Offence to be removed; and in case the same shall not be removed within Fourteen Days after such Notice given to the Person or Persons who ought to remove the same, or after the same shall have been left at his, her, or their last or usual Place of Abode, such Person or Persons shall forfeit and pay any Sum not exceeding Five Pounds *per Day* for every Day the same shall continue unremoved after the Expiration of the Time mentioned in such Notice: Provided always, that it shall be lawful for the several Proprietors or Occupiers of any such Slaughter Houses or Premises, after Receipt of such Notice from the said Commissioners, to give Notice to the said Commissioners, or their Clerk or Treasurer, of his, her, or their Intention to appeal to the Court of General or Quarter Sessions against the Infliction of such Penalty; and if such Proprietors or Occupiers shall enter into Recognizances to prosecute such Appeal in manner required by this Act, then such last-mentioned Penalty shall not (from and after the Date of such last-mentioned Notice) be levied or recovered before the Determination of such Appeal.

Nuisances,
Slaughter
Houses, &c.

CII. And be it further enacted, That from and after the passing of this Act it shall not be lawful for any Person or Persons to manufacture, make, or melt any Fat or Tallow, or to burn or grind any Bones for Sale or Use within the said Town; and if any Person or Persons shall, within the said Town, manufacture, make, or melt any Fat or Tallow, or burn or grind any Bones for Sale or Use, every such Person or Persons so offending, or the Owner or Occupier of the Premises upon which such Offence shall be committed, shall forfeit and pay any Sum not exceeding Ten Pounds for every Day on which any such Offence shall be committed.

Penalty for
melting Fat,
&c.

CIII. And for the better preventing of Damage by Fire within the said Town and the Suburbs thereof, be it further enacted, That if any Person shall at any Time hereafter erect or build, or cause to be erected or built, any House or other Building, adjoining to any other House or Houses, Building or Buildings, within the said Town, and the End or Side of such new House or other Building which shall adjoin any such other House or Building shall not consist of a Party or Division Wall of Brick or Stone of the Thickness of Nine Inches at the least, and shall not be carried Fifteen Inches at the least through the Roof and above the Slating, and a Space of full Nine Inches at the least shall not be left between the Fire Places of such respective Houses; or if any Person or Persons shall hereafter cover or cause to be covered any House hereafter to be erected

Party Walls.

Thatched
Buildings.
within

within any of the said Streets, Squares, Crescents, Ways, Lanes, or other Places, in the whole or in part with Thatch or Straw; then and in every such Case, and upon every such Default, the Owner of every such House or other Building erected without such Party or Division Wall or Walls of the Thickness and Height aforesaid, or having such a Covering of Thatch or Straw as aforesaid, shall forfeit and pay any Sum not exceeding Five Pounds a Month for every Month such House or other Building shall continue without such Party or Division Wall or Walls, or with such Covering of Thatch or Straw as aforesaid.

Where Party Walls are 14 Inches in the whole, that to suffice.

CIV. Provided always nevertheless, and be it further enacted, That in all Cases where there shall be a Party or Division Wall, or Party or Division Walls of Brick or Stone, between the respective Houses or Buildings hereafter to be erected or built, of the Thickness of Fourteen Inches in the whole or upwards, the Penalty herein-before imposed in respect of Party or Division Walls shall not be recoverable.

New Buildings to be fenced in.

CV. And be it further enacted, That the Ground whereon any House, Wall, or other Building shall at any Time hereafter be taken or taking down, or erecting, altering, repairing, or amending, shall be fenced and inclosed at the Expence of the Owners or Occupiers thereof respectively, in such Manner as the Commissioners shall think proper or necessary, in order to keep the Footways and Carriageways before, behind, on the Sides of or belonging to the same as open and free from Impediment as the Nature of the Case will admit of, and effectually to guard and protect all Persons passing by or near the same or any Part thereof from Danger or Accident from any Hole, Vault, Area, Timber, Stones, Materials; or Things, made, brought, placed, or used in, about, or relating to such Ground, Place, House, or Building respectively, during such taking down, building up, altering, repairing, or amending, whereby or in consequence whereof the Carriageway or Footway before, behind, or on the Sides of or belonging to such House, Wall, or Building, or either of the said Ways, shall be in any Manner obstructed, or rendered dangerous or unsafe to Persons passing by or near such House, Wall, or Building; and the Fences and Inclosures to be made in respect of any House, Wall, or Building which shall or may hereafter be taken down, erected, altered, repaired, or amended shall be made before such House, Wall, or Building shall be begun to be taken down, erected, altered, repaired, or amended; and all the Fences and Inclosures hereby directed to be made for all or any of the Purposes aforesaid shall be continued standing and in good Condition during such Time as the said Commissioners shall order and direct; and no Lime shall be sifted, screened, or slaked, or Lime or Sand deposited, or Mortar made or deposited, in any of the said Streets, Squares, Crescents, Lanes, and public Passages, unless the same shall be inclosed in some such Fence or Inclosure as aforesaid; and if the Owner or Occupier of any such Ground, Place, House, Wall, or Building as aforesaid shall refuse or neglect to erect and set up any such Fences or Inclosures as aforesaid, or shall not continue the same standing and in good Condition as aforesaid, or shall sift, screen, or slake any Lime, or deposit any Sand, or make or deposit any Mortar, otherwise than as aforesaid, then and in either of the said Cases every such Owner or Occupier shall for every Day such Offence shall be continued forfeit and pay any Sum not exceeding Five Pounds; and moreover, in case of such Refusal
or

or Neglect; it shall be lawful for the said Commissioners to cause such Ground, Place, House, Wall, or Building to be well and effectually fenced in and inclosed as aforesaid, or the Fence or Inclosure then erected and set up to be well and sufficiently repaired, as the Case shall require, and such Fence or Inclosure to be so continued standing as aforesaid; and the Person or Persons so refusing or neglecting as aforesaid shall, over and above the said Penalty, pay all the Charges and Expences of making such Fences and Inclosures, or repairing the same, upon Demand made by the said Commissioners or by their Clerk; and upon Refusal the same shall or may be recovered in such Manner as any Penalty or Forfeiture by this Act inflicted is herein directed and authorized to be recovered.

CVI. And be it further enacted, That if at any Time hereafter any Stones, Timber, Mortar, Rubbish, Materials, or other Things shall be laid or placed, or any Hole, Excavation, or Opening shall be made in any of the Streets, Squares, Crescents, Lanes, or public Passages or Places already made or built within the said Town of *Leamington Priors*, for any Purpose whatsoever, not prohibited by or contrary to the Intent and Meaning of this Act, the Owner of such Stones, Materials, or other Things, or Person or Persons causing such Hole or Opening as aforesaid to be made, shall, at his, her, or their Expence, cause a Light to be fixed in or near the same respectively, for securing Passengers and Cattle from Accidents, every Night from Sun-setting to Sun-rising, during the Time such Stone or other Materials, Hole or Opening, shall remain, shall, at his, her, or their own Expence, cause such Stones, Materials, or other Things, Holes or Openings, or either of them, as the Case may be, to be fenced and inclosed, and continue the same so fenced and inclosed, until the Stones, Materials, or other Things, or Hole or Opening, as the Case may be, shall be removed, and in default shall forfeit and pay any Sum not exceeding Five Pounds for every Day or Night such Neglect or Default shall happen; and the said Commissioners on such Default being made are hereby empowered to cause such Light to be affixed, and to fence and inclose such Stones, Materials, and Things, and continue the same so fenced and inclosed, and charge such Owner or other Person or Persons as aforesaid with the Expences thereof respectively, and to recover such Expences, on Refusal to pay the same to the said Commissioners, and the Expences attending such Recovery, in the same Manner as any Penalty or Forfeiture by this Act inflicted is directed and authorized to be recovered.

Heaps of Rubbish and Holes in the Streets to be guarded by a Light at Night.

CVII. Provided also, and be it further enacted, That for the Purpose of improving the said Town, and widening the said Streets, Lanes, Roads, Passages, and public Places, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, to enter into any Agreement relative to the Mode of erecting, altering, or building any Houses, Edifices, or Buildings fronting or adjoining any of the said Streets, Lanes, Roads, Highways, Passages, and public Places within the said Town, or relative to the Line or Direction or Mode of building any new Houses, Edifices, or Buildings within the said Town, or to any Alteration or Change of the Line or Direction in which any old Houses or Buildings now stand, or relative to any Projections or other Changes thereof, with the Owners or Proprietors thereof, and to make or give

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

[*Local.*]

43 K

such

such Compensation or Satisfaction for any Injury, Loss, or Damage which any such Owners or Proprietors may sustain by acceding to any such Plan of Improvement, or for Good-will for the same, as the Commissioners at some Meeting shall think reasonable for the Object or Purposes of Improvement to be thereof obtained, and to pay such Compensation or Satisfaction out of any Monies to be raised by virtue of this Act.

Not to prevent Indictments or other Proceedings for Nuisances at Common Law.

CVIII. Provided likewise, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Indictment or other Proceeding being preferred or taken against or in respect of any such Matters or Things as aforesaid, or any other Matter or Thing within the said Parish that shall be a Nuisance or Encroachment according to the Law of this Realm.

Fire Engines.

CIX. And be it further enacted, That it shall be lawful for the said Commissioners to contract with any fit Person from Time to Time to keep the different Fire Engines belonging to the said Parish of *Leamington Priors*, with the Pipes, Buckets, or other Things belonging thereto, in good working Repair and Order; and if they shall at any Time find or deem it necessary to purchase any new Engine or Engines, Pipes, Buckets, and other Things belonging thereto, for the Use of the said Town and the Suburbs thereof, it shall be lawful for them so to do, and to pay and defray all Costs and Expences attending the same respectively out of the Rates to be levied and raised by virtue of this Act.

Power to provide a public Office.

CX. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time and at all Times hereafter, to provide and maintain a fit and convenient public Office or Offices within the said Town, for holding the Meetings and transacting the Business of the said Commissioners, and for the holding of such other public Meetings and transacting such other public Business relating to the said Town as the said Commissioners shall from Time to Time direct or allow to be held or transacted therein, and for such Purposes to purchase or rent any Messuages or Buildings, or any Part of any Messuages or Buildings, which shall by the said Commissioners be considered necessary for the said Purposes, of and from any Person or Persons who shall be willing to sell or let the same, or otherwise to purchase Ground from any Person or Persons who shall be willing to sell the same, and to cause any new Erection or Building to be made upon any Land or Ground which shall be so purchased; and it shall be lawful for the said Commissioners from Time to Time to make and establish such Rules, Orders, and Provisions for the Use and Management of such public Office or Offices, and for airing, warming, lighting, cleansing, and repairing the same, and to make such Allowance or Allowances to the Keeper or Keepers of the same public Office or Offices, for his or their necessary Attendance and Trouble about the same, as shall from Time to Time appear expedient to the said Commissioners.

Streets, &c. may be widened and improved with Consent of the Owners of Property to be taken.

CXI. And be it further enacted, That for the Improvement of the said Town of *Leamington Priors* it shall be lawful for the said Commissioners to contract and agree with the Proprietors of and Persons interested in any Lands, Buildings, Tenements, or Hereditaments, for the Purchase thereof, and to purchase the same with the Consent of such Proprietors respectively, which

which they may think necessary to be taken down or used, in order to widen, alter, and improve the narrow Parts of the Streets, Lanes, Ways, Passages, and other Communications already made or hereafter to be made in the said Town, so as to make the same commodious for Carriages and Passengers, and to open and make proper Communications between the said Streets, Squares, Crescents, Lanes, and other Passages and Places, or any of them; and for that Purpose it shall be lawful for the said Commissioners to take down and remove all or any of such Houses, Buildings, Lands, Tenements, and Hereditaments, as any Person or Persons shall be so willing to sell, grant, or convey to the said Commissioners for the Purposes aforesaid; and it shall also be lawful for the said Commissioners, with the Consent of the Owners of the adjacent Lands, to deepen, widen, and cleanse the Bed of the River *Leam* within the said Town, in order to prevent the Accumulation of stagnant Water or other nauseous Matter in the said Town, Compensation being made to the Owners of the adjacent Lands for any Damage they may sustain thereby.

CXII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, and all Corporations, whether Aggregate or Sole, Spiritual or Lay, Tenants for Life or in Tail, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians Committees of or for Lunatics and Idiots, or other Trustees whomsoever, not only for and on behalf of themselves and their Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, and also to and for all Femes Covert who are or shall be seised, possessed of, or interested in any Houses, Buildings, Erections, Projections, Encroachments, Lands, Tenements, Tolls, or Hereditaments, or any Part thereof, which the said Commissioners are by this Act enabled to purchase for any of the Purposes of this Act, to treat, contract, and agree with the said Commissioners for the Sale thereof or any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever of, in, and to the same, to the said Commissioners and their Successors; and all Contracts, Agreements, Bargains, Sales, and Conveyances which shall be so made by virtue and in pursuance of this Act shall, without 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 Person or Persons conveying, his, her, and their Heirs, Executors, Administrators, and Successors, but also to convey all Right, Estate, Interest, Use, Trust, Property, Claim, and Demand whatsoever of their said several and respective Cestuique Trusts, and all Persons claiming or to claim by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, Tenants for Life or in Tail, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Power for
Bodies Poli-
tic to sell.

CXIII. Provided always, 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 for the Purposes

Application
of Compensa-
tion Money
if amounting
of to 200*l*.

of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, 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 Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioners for executing this Act, 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, and 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 Payment or 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, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, 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 may, 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 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.

Where less than 200*l.* and amounting to 20*l.*

CXIV. Provided also, and be it further enacted, That if any Money so agreed to be paid for any Lands, Tenements, or Hereditaments to be purchased,

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, 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 Five 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, to Two 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, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Five or more of the Commissioners for executing this Act, and 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 Trustees, 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 in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

CXV. Provided also, and be it further enacted, That where such Money so agreed to be paid as next 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 and Profits 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.

Where under
20l.

CXVI. 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 under or by virtue of the Powers of this Act, shall afterwards 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 such Sum or Sums of Money shall be so agreed to be paid cannot be found 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 there, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the

In case Parties selling afterwards refuse to accept the Consideration, or cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Exchequer, on Motion or Petition.

[*Local.*]

43 L

said

said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid.

In case of disputed Title to the Money, Persons in possession deemed to be entitled.

CXVII. 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 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 shewn 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.

Court may order reasonable Expences to be paid by Commissioners.

CXVIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, 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 to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

CXIX. And

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

Form of
Conveyance.

‘ I *A. B.* of _____ in consideration of the Sum of _____
 ‘ to me paid by the Commissioners for improving the Town of
 ‘ *Leamington Priors*, acting by virtue of an Act of Parliament passed in
 ‘ the Sixth Year of the Reign of King *George* the Fourth, intituled *An*
 ‘ *Act* [*here insert the Title of this Act*], do hereby grant and convey to
 ‘ the said Commissioners all [*here describe the Premises to be conveyed*],
 ‘ and all my Right, Title, and Interest to and in the same and every Part
 ‘ thereof, to hold to the said Commissioners for ever. In witness whereof
 ‘ I have hereunto set my Hand and Seal this _____ Day of _____
 ‘ in the Year of our Lord One thousand eight hundred and _____’

And every such Sale, Conveyance, and Assurance so made shall be good and effectual to vest the Premises so conveyed in the said Commissioners and their Successors, freed and absolutely acquitted and discharged of and from all Claims, Rights, Interests, Charges, and Incumbrances of all Persons whomsoever, to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

CXX. And be it further enacted, That every Sum of Money to be paid for the Purchase of any Lands, Buildings, Tenements, or Hereditaments which shall be wanted for the Purposes of this Act, and which shall be so agreed to be sold to the said Commissioners as aforesaid, shall be paid out of the Monies to be received by virtue of this Act to the Party or Persons respectively entitled to such Monies, or to their Agents, or into the Bank of *England*, as the Case may require, pursuant to the Provisions of this Act as herein-before mentioned; and upon Payment thereof, or in case of Refusal to accept the same by the Parties entitled thereto, then upon legal Tender thereof to such Parties or Persons (and whether such Conveyance as aforesaid shall or shall not be made), all the Estate, Right, Interest, Use, Trust, Property, Claim, and Demand in Law and Equity of the Person or Persons respectively unto or to whose Credit or Use the same shall have been paid, into or out of such Lands, Buildings, Houses, Tenements, or Hereditaments, shall vest in the said Commissioners, in Trust for effecting the Purposes of this Act; and the Commissioners for executing this Act shall be deemed in Law to be in the actual Seisin or Possession thereof to all Intents and Purposes whatsoever; and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons unto or to whose Use or Credit such Payments shall have been made as aforesaid, but also shall extend to and be deemed and construed to bar the Dower and Dowery of the Wife and Wives of such Person and Persons, and all Estates Tail and other Estates, in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person or Persons, and every Person claiming under them.

Provision for
Payment of
Purchase
Money, &c.
and for vest-
ing of Pro-
perty in the
Commis-
sioners.

CXXI. And be it further enacted, That all and every Person or Persons who shall have any Mortgage or Mortgages on such Houses, Buildings, Lands, Tenements, or Hereditaments, not being in possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the Prin-

Mortgages to
be assigned
to the Com-
missioners
on Tender of
Principal and

Interest, together with Six Months Interest on the Principal Sum.

Principal and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money by the said Commissioners, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Commissioners; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Commissioners, or such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the Mortgage or Mortgages at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, then at the Expiration of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Commissioners, or such Person or Persons as shall be appointed as aforesaid in Trust for them; and in case such Mortgagee or Mortgagees shall refuse to convey or assign as aforesaid, on such Tender or Payment, then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of such Houses, Buildings, Lands, Tenements, or Hereditaments, or the Part or Parts thereof which shall be purchased as aforesaid for the Purposes of this Act (such Value to be ascertained in manner herein directed respecting any Damage and Charges to be paid by the Commissioners acting in execution of this Act), then the said Commissioners shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of such Premises, to be determined as aforesaid.

Power for Commissioners to cause Buildings to be taken down, and Sites thereof appropriated to the Purposes of the Act.

CXXII. And be it further enacted, That it shall be lawful for the said Commissioners to cause all and every the Houses and other Buildings, Erections, Projections, and Encroachments, which shall at any Time be purchased for the Purposes of this Act, and paid for as aforesaid, to be taken down, and to cause the Sites thereof or any Part thereof, and any other Land to be purchased under the Powers and for the Purposes of this Act, to be added to or laid into the Streets, Squares, Crescents, Lanes, or other Passages, Roads, or Places in or about the said Town, or leading to or from the said Well or Wells, or to be formed and made into any new Streets, Roads, Lanes, Ways, or other Passages or Places in or about the said Town of *Leamington Priors*, or to or from or between the aforesaid Wells, or any of them, and to make more commodious any Bridge or Bridges in the said Town leading to or from the said Wells, or any or either of them, in such Manner as the said Commissioners shall judge proper; and the Land so added to or laid into the respective Streets, Squares, Crescents, Lanes, or other Passages or Places respectively, shall for ever afterwards be deemed Part thereof, and the same, and also such as shall be formed and made into any new Streets, Squares, Crescents, Roads, Lanes, Ways, or other Passages or Places as aforesaid, shall be used as common public Highways, Paths, and Passages.

Power to resell Premises not wanted.

CXXIII. And be it further enacted, That it shall be lawful for the said Commissioners to sell and dispose of so many or such Part or Parts of the Lands, Messuages, Buildings, Tenements, or Hereditaments to be purchased,

purchased or erected or built by or vested in them by virtue of the Powers herein contained, as shall at any Time be found to be unnecessary, or more than sufficient for the Purposes of this Act, and for completing and carrying any such Sale or Sales into effect the said Commissioners, or any Five or more of them, are hereby authorized and empowered to make and execute any Conveyance or Conveyances of such of the said Premises as shall have been so sold or disposed of unto the Purchaser or Purchasers thereof, and such Conveyance or Conveyances shall in all Cases be deemed sufficient in the Law to vest such of the said Premises as shall be expressed and intended to be granted by such Conveyance or Conveyances in the Purchaser or Purchasers thereof, and his, her, or their respective Heirs and Assigns.

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

The Words "grant," &c. to operate as Covenants for the Title of the Commissioners.

CXXV. And be it further enacted, That if any Person or Persons whomsoever shall sustain any Damage in his, her, or their Lands, Tenements, or Hereditaments, by reason of the Execution of any Powers given by this Act, then and in every such Case full and complete Satisfaction and Compensation shall be made by the said Commissioners to such Person or Persons respectively out of the Monies to be raised by virtue of this Act; and in case of any Difference or Dispute between such respective Persons and the said Commissioners respecting the Amount of such Damages, then the same shall be settled and ascertained by any Justice or Justices of the Peace for the said County of *Warwick*, upon Application made to him or them by either of the Parties, and upon hearing both the Parties and Evidence on their Behalf respectively, or without such hearing, upon the Contumacy of either Party, after Proof of Service of sufficient Notice of the Intention of such other Party to apply to such Justice or Justices.

Damages occasioned in the Execution of the Act how to be ascertained and settled.

CXXVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby also authorized and empowered, from Time to Time to enter into any Contract or Contracts with any Person or Persons, Body or Bodies Politic or Corporate, for paving, lighting, repairing, amending, cleansing, widening, fencing, improving, and watching the several Streets, Lanes, Ways, Passages, and other public Places within the Limits of this Act, or any of them, or for doing any other of the Works, Matters, or Things by this Act authorized to be done,

Commissioners may enter into Contracts for effecting the general Improvements contemplated by the Act.

or for furnishing any Materials, Labour, or other necessary Matters or Things whatsoever for the Performance thereof, or for any other of the Purposes of this Act: Provided always, that no such Contract or Contracts shall be made for a longer Period than Three Years from the making thereof; and that before any such Contract or Contracts shall be entered into Ten Days Notice at the least shall be given in manner directed by this Act for giving Notices of Meetings of the said Commissioners, expressing the Purpose or Purposes of the Contract or Contracts intended to be made or entered into, in order that Persons willing to undertake the same may make Proposals to the said Commissioners, at a certain Time and Place in such Notice to be specified; and all such Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works are to be completed, together with the Penalties to be incurred in case of Nonperformance thereof, and the same 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, Matters, or Things respectively; and Copies of all such Contracts shall be entered in a Book to be kept for that Purpose by the Clerk of the said Commissioners.

Commissioners not to be personally liable, and may compound.

CXXVII. And be it further enacted, That the said Commissioners signing the said Contracts shall not be personally or individually liable or responsible in respect thereof; and that it shall be lawful for the said Commissioners from Time to Time to compound and agree with any Person or Persons, or Body or Bodies Politic or Corporate, who shall have entered into any Contract or Contracts with the said Commissioners, in pursuance and under the Authority of this Act, for any Penalty or Penalties contained in such Contract or Contracts, or in any Bond or Bonds, Security or Securities, or for any Breach of such Contract, for such Sum or Sums of Money or other Recompence as the said Commissioners shall think proper.

Rates.

CXXVIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, once or oftener in every Year, as they shall see Occasion, to cause such Sum of Money to be raised by a Rate or Assessment upon the several Tenants or Occupiers of all and every the Dwelling Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach Houses, Brewhouses, Granaries, Malt Houses, public Wells and Baths, and other Buildings which are already built or made or which shall be hereafter built or made within the said Town of *Leamington Priors*, and the several Gardens, Yards, Pleasure Grounds, and Orchards thereto belonging, and all Arable, Meadow, and Pasture Land, Coppices, Woodlands, and other Hereditaments within the said Town of *Leamington Priors*, according to the annual Rent or Value of the same respectively (such annual Rent or Value to be from Time to Time settled, ascertained, and fixed in such Manner as the said Commissioners shall direct or appoint), so as such Rate or Assessment do not exceed in the whole in any One Year the several Sums or Rates herein-after mentioned, and so as such Rates or Assessments are made in the following Proportions, namely, upon all Dwelling Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach Houses, Brewhouses, Granaries, Malt Houses, public Wells and Baths, and other Buildings, and Gardens, Yards, Pleasure Grounds, and Orchards thereto belonging, (except Houses *bonâ fide* used as Farm Houses, and

and in which no Apartments or Lodgings shall be let, and except also such Dwelling Houses and other Buildings, with their Appurtenances, situate in such of the said Streets, Squares, Ways, Lanes, Passages, or Places as shall not be both lighted and paved by virtue of this Act), the Sum of Three Shillings in the Pound in One Year of the yearly Rent or Value thereof; and upon all such Dwelling Houses and other Buildings, with their Appurtenances (except such Farm Houses as aforesaid), situate in such of the said Streets, Squares, Ways, Lanes, Passages, or Places as shall be paved or lighted only, and not both paved and lighted, by virtue of this Act, the Sum of Two Shillings in the Pound of the yearly Rent or Value thereof; and upon all Houses *bonâ fide* used as Farm Houses, and in which no Apartments or Lodgings shall be let, and upon all such Dwelling Houses and other Buildings, with their Appurtenances, situate in such of the said Streets, Squares, Ways, Lanes, Passages, or Places as shall not be either lighted or paved by virtue of this Act, and upon all Arable, Meadow, and Pasture Land, Coppices, Woodlands, and other Hereditaments not herein-before subjected to either of the said Rates or Assessments of Three Shillings and Two Shillings, the Sum of One Shilling in the Pound of the yearly Rent or Value thereof.

CXXIX. Provided always, and be it further enacted, That no Person shall be rated or pay to the several Rates or Assessments which shall be made by virtue or in pursuance of this Act, who shall by reason of his or her own Poverty only be excused by Order of the Justices from paying any Rates made for the Relief of the Poor of the said Parish; nor shall any Person be charged with or rated in or by any of the said several Rates or Assessments which shall be made by virtue or in pursuance of this Act for or on account of any Almshouse, Workhouse, or Hospital, and Houses and Premises let by the Parish Officers of the said Parish of *Leamington* Priors to poor Persons.

Exemptions
from Rates.

CXXX. Provided always, and be it further enacted, That where any House shall be let ready furnished, or shall be let for a less Period than One whole Year, or shall be divided into or let in Two or more separate Apartments, Stories, or Tenements, and shall be occupied or inhabited by different Persons or Families, the same shall nevertheless be subject to the several Rates or Assessments granted by this Act, and the Landlord or Proprietor or Lessee of any such House shall be assessed to and pay the Rates and Assessments in respect of such House, in such and the like Manner as if he or she were the actual Occupier thereof.

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

CXXXI. Provided always, and be it further enacted, That if any Tenant or Occupier of any Messuage, Building, Garden, Tenement, or Hereditament by this Act directed to be rated or assessed shall by reason of his or her Poverty be excused from Payment of the Rates made for the Relief of the Poor of the said Parish, or if he or she shall on that Account not be charged to or required to pay any such Poor Rate, then and in every such Case the Rates or Assessments to be made by virtue of this Act shall be wholly borne and paid by the respective Landlords, Owners, or Proprietors of such Messuages, Buildings, Gardens, Tenements, and Hereditaments, who shall be assessed for the same as if they were the Occupiers thereof; and for the Purposes aforesaid, or any of them, it shall be lawful for the said Commissioners yearly and every Year, as often

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

Assessors to
be appointed.

as

as they shall see Occasion, by Writing under their Hands, to nominate and appoint any One or more of the Inhabitants of the said Town of *Leamington Priors*, or its Suburbs, to be the Assessor or Assessors of such Rates or Assessments as aforesaid, and as soon after as may be to issue their Order thereupon to such Assessor or Assessors, who shall accordingly be, and he and they is and are hereby empowered and required to make such Rate or Rates, Assessment or Assessments; and the Money so to be rated and assessed shall from Time to Time be paid by such several Tenants or Occupiers as aforesaid, and they are hereby required to pay the same by half-yearly or quarterly Payments to the Collector or Collectors to be appointed by the said Commissioners as aforesaid, as the said Commissioners shall direct; but no Rate or Assessment to be made in pursuance of this Act shall be valid until the same shall be allowed and signed by Five of the said Commissioners at least, at any Meeting to be held for the Purposes of this Act; and the said Assessor or Assessors shall appear at such Time and Place as the said Commissioners shall by Writing signed by them order and appoint, and then and there produce and deliver to them Two Copies, or Duplicates of the Assessment made and subscribed by such Assessor or Assessors, and shall from Time to Time, upon reasonable Notice to him or them given by the said Commissioners, attend the said Commissioners at any of their Meetings, then and there to explain any such Rates or Assessments; and the said Commissioners shall from Time to Time, as soon as may be after such Rate or Assessment shall be made, allowed, and signed, settled, ascertained, and fixed as aforesaid, cause a Duplicate thereof signed by them to be delivered to the said Collector or Collectors, and shall also issue their Orders to the said Collector or Collectors, requiring him and them to collect and receive the respective Sums of Money made payable by such Rate or Assessment, and such Collector or Collectors is and are hereby authorized and required to collect and receive the respective Sums of Money made payable by such Rate or Assessment; and also, as and when directed so to do by the said Commissioners, by Writing signed by their Clerk for the Time being, to pay the Money so to be collected and received by virtue of this Act to the Treasurer for the Time being to the said Commissioners, or to such Person or Persons as the said Commissioners shall appoint to receive the same, to be applied to and for the Uses and Purposes herein-before mentioned; and all and every such Collector or Collectors shall and is and are hereby required, at the Time of making every such Payment of the Money so respectively collected as aforesaid, to deliver to the Person or Persons empowered to receive the same a true and exact Account of all Sums of Money received by him or them respectively, and also of such Sums of Money, Rates, or Assessments (if any) which shall remain uncollected, together with the Reasons why the same have or had not been collected, to the End that it may appear whether such Non-payment or Non-collection happened through the Insolvency of the Person rated, or through the Default of the Collector or Collectors.

Penalty on
Persons
refusing to
serve Office
of Assessor.

CXXXII. And be it further enacted, That if any Person who shall be appointed to the Office of Assessor in virtue hereof shall afterwards refuse or neglect to take upon himself and execute his said Office without shewing some reasonable Cause to the Satisfaction of the said Commissioners for such Refusal or Neglect, or shall wilfully make default in the Performance of the Duty of his said Office, or wilfully overrate any
Person

Person or Persons, or demand more than the Sum which shall have been so rated or assessed as aforesaid, or otherwise misbehave himself therein, he shall for every such Default, Refusal, Neglect, or Misbehaviour forfeit and pay any Sum not exceeding Twenty Pounds, to be recovered as any other Penalty is herein directed to be recovered, and also be discharged from his said Office, if the said Commissioners shall think fit: Provided always, that no Person so nominated or appointed an Assessor, and who shall have served such Office, or shall have paid such Penalty as aforesaid for not serving the same, shall be again compellable to serve the said Office in less than Five Years after the End of such Service or Payment of such Penalty; nor shall any Person be liable to serve in any such Office, nor be liable to any Penalty for neglecting so to do, who shall be infirm, or of the Age of Seventy Years or upwards.

CXXXIII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and empowered to inspect and take Copies of any of the Books or Assessments of Rates of the said Parish of *Leamington Priors*, and, if they shall think fit, of any of the Books or Assessments of the Land Tax or Assessed Taxes to be brought before them, or of any Part thereof; and if any Person or Persons in whose Custody or Power any of the said Books or Assessments shall be shall refuse or neglect to permit the said Commissioners or any of them to inspect such Books or Assessments, or to permit them to have Copies thereof upon Payment or Tender of the Sum of One Shilling for every such Inspection, and the Sum of Sixpence for every One hundred Words of such Copy or Copies, then and in every such Case such Person who shall so refuse or neglect shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Commissioners may refer to Parish Books, &c.

CXXXIV. And be it further enacted, That if such Assessor or Assessors shall at any Time or Times hereafter, in any Rate or Assessment by him or them to be made by virtue or in pursuance of this Act, neglect or omit to rate or assess any Person or Persons liable to pay or be charged with such Rate or Assessment, or shall in any such Assessment underrate any such Person or Persons liable to pay such Rate or Assessment, or insert therein wrong Christian Names or Surnames of any Person or Persons rated or assessed, then and in every such Case it shall be lawful for the said Commissioners to rate and assess in the said Rate or Assessment such Person or Persons so omitted to be rated or assessed, and to raise such Person or Persons so underrated, or amend such Rate or Assessment as aforesaid, by altering such Christian Name or Surnames, and in such Manner as to the said Commissioners shall seem just and reasonable; and the said Commissioners shall and may and they are hereby empowered to strike out the Name or Names of any Person or Persons whom they shall determine not to be liable to the Payment of the Rates hereby directed to be made; and that all such Additions to or Alterations in the old or former Rate or Assessment shall be valid and effectual to all Intents and Purposes whatsoever.

Commissioners may correct Rates if Assessors make Errors, &c. therein.

CXXXV. And be it further enacted, That if the Tenant or Occupier of any Messuage, House, Warehouse, Shop, Cellar, Building, Garden, Tenement, or Hereditament, in respect of which any Rate or Assessment shall be charged or imposed by virtue of this Act, shall at any Time

For recovering Rates.

[Local.]

43 N

neglect

neglect or refuse to pay the Rates or Sums of Money which shall be so rated or assessed as aforesaid for the Space of Fourteen Days after the same shall be due, and Demand made thereof by the Collector or Collectors of the said Rates at the Dwelling House or Place of Abode of such Tenant or Occupier, then upon Proof thereof upon Oath (or Affirmation, being a Quaker) before any Justice of the Peace for the said County of *Warwick*, the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of every such Tenant or Occupier by Warrant under the Hand and Seal of such Justice of the Peace, and which Warrant such Justice is hereby authorized and required to grant; and the Overplus (if any), after deducting the Sum or Sums due in respect of such Rates or Assessments, and all Charges and Expences attending the Recovery thereof, shall be paid, upon Demand, to the Owners of such Goods and Chattels.

Apportioning
Rates be-
tween Per-
sons re-
moving.

CXXXVI. And be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament which shall be rated or assessed by virtue of this Act, such Person or Persons shall be liable to pay such Rates or Assessments in proportion to the Time that he, she, or they occupied the same, in like Manner as if such Person or Persons had not removed from or quitted the same; and in all Cases where any Person or Persons shall come into or occupy any such Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament as aforesaid, out of or from which any other Person or Persons who shall have been rated or assessed for the same shall be removed, or which at the Time of making any such Rate or Assessment was or were empty or unoccupied, the same shall, for and in respect of his, her, or their Occupation thereof, be liable to such Rate or Assessment in proportion to the Time that he, she, or they shall occupy the same, in the same Manner as if he, she, or they had been originally rated or assessed for such Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament; which said respective Proportions in case of Dispute shall be settled and ascertained by the said Commissioners in such Manner as they shall judge reasonable; and in case any Person or Persons, who having been so rated and assessed as aforesaid, shall quit his, her, or their Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament, before he, she, or they shall have paid such Rate or Rates, or proportionable Part or Parts thereof by him, her, or them due and payable, and shall afterwards refuse or neglect to pay the same when demanded, it shall and may be lawful for the said Collector or Collectors, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Warwick*, to levy such Rate or Rates, or proportionable Part or Parts thereof, by Distress and Sale of the Goods and Chattels of such Person or Persons; and after Payment of the Money due in respect of any such unpaid Rate or Rates, or proportionable Part or Parts, and all Expences attending the Recovery thereof, the Overplus shall be paid to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Where more
Tenants than
One, any One
of them may

CXXXVII. And be it further enacted, That where any Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament, which shall be rated or assessed by virtue of this Act, shall be let or demised to
I
more

more than One Tenant or Occupier, any One or more of such Tenants or Occupiers shall be deemed the Occupier or Occupiers thereof for the Purposes of this Act, and the said Rates or Assessments shall be levied by Distress and Sale, in manner last herein-before mentioned, of all or any of the Goods and Chattels in such Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament; 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.

be deemed
the Occupier.

CXXXVIII. Provided always, and be it further enacted, That the Rates or Assessments so to be made and levied upon all Assembly Rooms, Pump Rooms, public Baths, and Theatres, shall be paid by the Proprietors thereof; and the Rates or Assessments so to be rated upon public Buildings not within any of the Descriptions aforesaid shall be paid by the respective Keepers or Managers thereof; and such Rates or Assessments shall be paid by the respective Officers and Persons rated, assessed, or charged therewith, to the respective Collectors appointed by the said Commissioners, in such quarterly or other Proportions as the said Commissioners shall direct; and in case of Default in Payment such Rates or Assessments shall and may from Time to Time be levied and recovered by Distress and Sale of the Goods and Chattels of any One or more of the Officers or Persons so respectively rated, assessed, or charged therewith, in the same Manner as if such Officers or Persons respectively were the actual Owners or Occupiers of such Property, and were or had been rated, assessed, or charged as such; and all such Officers and Persons respectively may charge the Sum or Sums so rated, assessed, or charged on them respectively, after Payment thereof, to or in their respective Accounts.

Rates on
public Build-
ings by
whom to be
paid.

CXXXIX. Provided always, and be it further enacted, That no Messuage, Warehouse, Building, Garden, Tenement, or Hereditament hereby made liable to be rated or assessed shall be chargeable with any Rate or Assessment as aforesaid during the Time the same shall be empty, unoccupied, or not in use.

Houses, &c.
unoccupied.

CXL. And be it further enacted, That for all and every the Purposes of this Act the Town of *Leamington Priors* shall comprise and be deemed to be co-extensive with the Parish of *Leamington Priors*.

Defining the
Extent of the
Town of
Leamington.

CXLI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment, Rates or Assessments, which shall be made in pursuance of this Act, such Person or Persons shall and may first apply for Relief to the said Commissioners at the First or Second Meeting to be holden next after Demand shall be made of such Rate or Assessment, and the said Commissioners are hereby authorized and empowered, if they shall think the Person or Persons aggrieved, to give such Relief in the Premises as to them shall seem reasonable; and if any Person or Persons so applying to the said Commissioners

Appeal.

Commissioners shall not be satisfied with their Determination, or such Application shall not be attended to by the said Commissioners at such First or Second Meeting as aforesaid, then such Person or Persons shall nevertheless be obliged to pay such Rate, and then, and not before, may appeal in manner herein-after mentioned to the General or Quarter Sessions of the Peace to be holden in and for the said County of *Warwick*, for Relief in the Premises.

Compelling
Payment of
Money
agreed to be
subscribed.

CXLII. And be it further enacted, That in case it shall be found expedient, for the Accomplishment of some of the Purposes of this Act, that Sums of Money should at any Time or Times be raised by voluntary Subscriptions in aid of the Rates and Assessments authorized by this Act to be imposed and levied, the Money which may be so subscribed shall from Time to Time be and is hereby vested in the Commissioners for executing this Act; and shall be by them applied for such of the Purposes thereof as in such Subscription shall be expressed; and in case any Person or Persons who shall subscribe or undertake to pay any Sum or Sums of Money whatsoever for the Purposes of this Act, or any of them, shall afterwards refuse or neglect to pay the Sum or respective Sums of Money by him, her, or them respectively so subscribed or undertaken to be paid, or any Part thereof, according to the Terms of Subscription, or any Part thereof, unto such Person or Persons as the said Commissioners shall direct and appoint to receive the same, for the Space of Fourteen Days next after the same shall, according to the Terms of the Subscription, become due and have been demanded by the Person or Persons so to be appointed; or in case any Person or Persons to whom or in whose Hands any of the Money subscribed, after being paid or deposited, shall refuse or neglect to pay the same, or any Part thereof, unto such Person or Persons as the said Commissioners shall direct or appoint to receive the same, by the Space of Seven Days next after the same shall be demanded by such Person or Persons so to be appointed for that Purpose, the said Commissioners are hereby authorized, empowered, and required to sue for and recover such Sum or Sums of Money of, from, and against the Person or Persons refusing or neglecting to pay the same as aforesaid, his, her, or their Heirs, Executors, or Administrators, by Action of Debt, Bill, Plaint, Suit, or Information, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, or more than One Imparlanche shall be allowed; in which Action, Bill, Plaint, Suit, or Information it shall only be necessary to prove the Subscription, with the Name or Names of the Defendant or Defendants subscribed thereto, and the Sum or Sums by such Defendant or Defendants respectively subscribed, or the Receipt by the Person or Persons with whom the Money subscribed or to be subscribed, or any Part thereof, is or shall be deposited, or who shall have received the same.

Borrowing
Money on
Security of
Rates.

CXLIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they shall judge necessary; not exceeding in the whole the Sum of Ten thousand Pounds, for the Purposes of this Act, 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 assign all or any Part of the said Rates or Assessments to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their

their Trustee or Trustees, as a Security for the Principal Money to be advanced, with legal Interest for the same; and the Costs and Expences of such Assignment thereof, to be made as herein-after mentioned, shall be from Time to Time defrayed by the said Commissioners out of the Monies to be so borrowed; and every such Assignment shall be in the Words or to the Effect following; (that is to say,)

WE, _____ of the Commissioners appointed by or in pursuance of an Act made in the Sixth Year of the Reign of His Majesty King George the Fourth, intituled *An Act [here set forth the Title of this Act]*, in consideration of the Sum of _____ advanced and lent by *A.B.* upon the Credit and for the Purposes of the said Act, do hereby grant and assign unto the said *A.B.* [or to his Trustee or Trustees, *as the Case may require*], his Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments arising by virtue of the said Act as the said Sum of _____ doth or shall bear to the whole Sum which may at any Time be borrowed, or be or become due and owing, or be charged upon the Credit of the said Act, to be had and holden from this _____ Day of _____ until the said Sum of _____ with lawful Interest for the same, shall be repaid and satisfied. In witness whereof we the said Commissioners have hereunto set our Hands and Seals the _____ Day of _____ in the Year _____.

And every such Security shall be good, valid, and effectual in the Law.

CXLIV. And be it further enacted, That in case the said Commissioners shall think it advisable to raise all or any Part of the Money to be borrowed under this Act by granting Annuities for Life or Lives, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant Annuities to any Person or Persons who shall advance and pay into the Hands of the Treasurer to the said Commissioners such Sum or Sums of Money as to the said Commissioners shall seem right and proper for the absolute Purchase of any Annuity or Annuities, to be paid and payable during the natural Life or Lives of any such Person or Persons, or the Life or Lives of any Nominee or Nominees of such Person or Persons; and the Expence of every such Grant shall be defrayed by the said Commissioners; and the Grant of every such Annuity shall be in the Words or to the Effect following; (that is to say,)

Borrowing Money by way of Annuity.

WE, _____ of the Commissioners appointed by or in pursuance of an Act of Parliament made in the Sixth Year of the Reign of His Majesty King George the Fourth, intituled *An Act [here set forth the Title of this Act]*, in consideration of the Sum of _____ paid by *A.B.* to *C.D.* the Treasurer appointed in pursuance of the said Act, do hereby grant unto the said *A.B.* an Annuity or yearly Sum of _____ to be payable and paid out of the Rates or Assessments to be raised or made by virtue of the said Act; which Annuity or yearly Sum of _____ shall be paid to the said *A.B.* or his Assigns during the Term of his natural Life, [or to the said *A.B.*, his Executors, Administrators, or Assigns, during the natural Life of *C.D.*, *as the Case may be*,] by equal Payments on the _____ Day of _____ and _____ Day of _____ [Local.] 43 O _____ of

of next ensuing the Date hereof. In witness whereof we
 the said Commissioners have hereunto set our Hands and Seals the
 Day of in the Year

And every such Grant shall be good, valid, and effectual in the Law, without any Enrolment or Registry of the Memorial thereof; and every such Annuity so granted as aforesaid shall be and is hereby charged upon and shall be payable and paid by the Treasurer to the said Commissioners out of the Rates or Assessments and other Money to be received by virtue of this Act, according to the Grant of such Annuity.

Restrictions
 as to Grants
 of Annuities.

48G.3.c.142.

52G.3.c.129.

CXLV. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and according to the Rate prescribed by Two several Acts, one passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities*, and the other passed in the Fifty-second Year of the Reign of His said late Majesty, intituled *An Act for amending Two Acts, passed in the Forty-eighth and Forty-ninth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*.

Power to
 transfer
 Securities.

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

Form of
 Transfer.

‘ I *A. B.* being entitled to the Sum of
 ‘ [or an Annuity of as the Case may be], by
 ‘ virtue of an Assignment [or Grant of an Annuity] bearing Date the
 ‘ Day of under the Hands and Seals of
 ‘ of the Commissioners acting in the Execution of an Act of Parliament
 ‘ made in the Sixth Year of the Reign of His Majesty King *George* the
 ‘ Fourth, intituled *An Act [here set forth the Title of this Act]*, upon the
 ‘ Credit of the Rates or Assessments raised or made by virtue of the said
 ‘ Act, do hereby transfer all my Right, Title, and Interest in and to the
 ‘ same Sum [or Annuity], and all Interest or other Money now due and
 ‘ owing thereon, and all Benefit and Advantage to be had or made
 ‘ thereby, to *E. F.*, his Executors, Administrators, and Assigns. Dated
 ‘ this Day of in the Year of our Lord

And the Person or Persons to whom such Transfer may be made, his or their Executors or Administrators, may from Time to Time transfer such Security for Money or Annuity to any other Person or Persons whomsoever in a similar Way; and a Copy of every Security, Grant, or Assignment which shall be made in pursuance of this Act, and an Extract of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, which Extract shall specify and contain the Date, Names of the Parties, and Sums of
 Money

Money thereby transferred, to which Book any Person interested shall at all seasonable Times have Access, and have free Liberty to inspect the same without Fee or Reward; and for the Entry of every such Transfer the said Clerk shall be paid by the Person to whom such Transfer shall be made the Sum of Two Shillings and Sixpence, and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person to whom the Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any other Registry or Enrolment whatsoever.

CXLVII. Provided always, and be it further enacted, That every Assignment or Mortgage which shall be made by virtue of this Act for any Sum of Money which shall be borrowed by the said Commissioners on the Credit of the said Rates or Assessments, as herein-before is mentioned, shall and may be redeemed by the said Commissioners at such Times and in such Manner as the said Commissioners shall think fit, Six Calendar Months previous Notice having been given to the Person or Persons entitled to such Sum lent on the Credit of the said Rates or Assessments by the said Commissioners, of their Intention of redeeming the same, and full Payment of the Principal Money so borrowed, and Interest after the Rate at which the same shall be so borrowed, being made to such Person or Persons; and he, she, or they may and are authorized to call for the Payment thereof as he, she, or they shall think fit, giving the like Notice to the said Commissioners or their Clerk.

Commissioners may redeem Securities.

CXLVIII. And be it further enacted, That in case the Interest for the said Mortgages or the said Annuities, or any Part thereof, shall be behind and unpaid by the Space of Thirty Days next after the same shall become due and payable as aforesaid, and have been demanded, then it shall be lawful for the said Commissioners, and they are hereby required, on Application to them made by any Creditor or Creditors whose Interest, Annuity or Annuities, shall be so in arrear, by any Order under their Hands and Seals, to appoint One or more Person or Persons to receive the Whole or any Part or Parts of the said Rates or Assessments, and the Money so to be received by such Person or Persons shall be so received to and for the Use and Benefit of the Person or Persons to whom such Interest, Annuity or Annuities in arrear, shall be due, and shall be paid to him, her, or them accordingly; and when the Interest, Annuity or Annuities so in arrear, as well as the Interest, Annuity or Annuities, which shall accrue and grow due whilst the Person or Persons so to be appointed as aforesaid shall be in the Receipt of such Rates and Assessments, together with the Costs and Charges of recovering, receiving, and paying over the same in manner aforesaid, shall be fully satisfied and paid, the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and be at an end; or otherwise, if such Creditor shall think proper, such Interest, Annuity or Annuities so due and in arrear as aforesaid, shall and may be sued for and recovered by him, her, or them, with Costs of Suit, by an Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

In case of Interest in arrear, Receiver on behalf of the Commissioners to be appointed.

CXLIX. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid in pursuance of the Directions of this Act,

In case of Nonpayment of Compensation for Act,

Damages, &c. done by the Commissioners, the same to be levied by Distress.

Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioners, or any Person 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 Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Commissioners or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, 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 of the Peace, 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 their Treasurer for the Time being, as the Case may be.

Expences of the Act, &c.

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

Obstructing Officers.

CLI. And be it further enacted, That if any Person or Persons shall at any Time or Times obstruct, hinder, or molest any of the Commissioners, or any Clerk, Assessor, Collector, Receiver, Surveyor, Watchman, Scavenger, or other Officer or Officers, Workmen, Person or Persons whomsoever, who is, are, or shall be employed by virtue of this Act, in the Performance of his or their Duty, or of any of the Matters or Things to be done in virtue or under the Authority of the same respectively, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Levying Penalties.

CLII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted, imposed, or incurred by or under this Act, or any Bye Law, Rule, or Order to be made in pursuance thereof, and all Costs, Charges, and Expences allowed, ordered, or directed to be paid by the Authority of this Act, or any such Bye Law, Rule, or Order, the Manner of levying and recovering whereof is not hereby particularly directed, shall and may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of One or more Justice or Justices of the Peace for the said County of *Warwick*, 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

Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witness or Witnesses upon Oath or Affirmation of and concerning such Offences, Matters, and Things, and hear and determine the same, and to fix and mitigate the said Fines, Penalties, and Forfeitures according to his and their Discretion, and the Provisions in that Behalf herein-before contained; and which Warrant such Justice or Justices is or are hereby empowered or required to issue upon Confession of the Party or Parties offending, or upon the Evidence of any credible Witness or Witnesses upon Oath or Affirmation, and the Overplus of the Money (if any) arising by such Distress and Sale shall be returned, upon Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale, and of recovering such Penalties and Forfeitures; and all such Penalties and Forfeitures when recovered shall, if not herein directed to be otherwise applied, be paid to the Treasurer of the said Commissioners, and be applied by him for such of the Purposes of this Act as the said Commissioners shall think fit; and it shall and may be lawful for the said Justice or Justices to order any Offender or Offenders who shall be so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security (and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise); but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Fine or Fines, Penalty or Penalties, Forfeiture or Forfeitures, and such Costs as aforesaid, and the same shall not forthwith be paid, or if it shall appear to such Justice or Justices, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereupon to levy such Fine, Penalty, or Forfeiture, or such Costs as aforesaid, on a Warrant of Distress being issued, it shall be lawful for the said Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his and their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction in or for the said County of *Warwick*, there to remain for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have fully paid such Fines, Penalties, or Forfeitures, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law.

CLIII. And for the more easy convicting Offenders against this Act be it enacted, That the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, or against any Bye Law, Rule, or Order to be made in virtue or pursuance thereof, and over which such Justice or Justices has or have hereby Cognizance, shall and may cause the Conviction to be drawn up according to the Form or to the Effect following; (that is to say,)

[*Local.*]

43 P

BE

Form of
Conviction.

County of *Warwick*, } BE it remembered, That on the
or other County, } Day of _____ in the Year of our
[as the Case may be.] } Lord _____ A. B. is duly
convicted before _____ of His Majesty's Justices of the Peace
for the _____ of having [*here state the Offence*], contrary
to the Statute in that Case made and provided, [*or contrary to a certain*
Bye Law, Rule, or Order made on the _____ Day of
_____ pursuant to the said Statute, *as the Case may be*];
and I [*or we, as the Case may be*] do declare and adjudge that the said
A. B. hath forfeited for his [*or her, as the Case may be*] said Offence the
Sum of _____ . Given under my Hand and
Seal, [*or our Hands and Seals, as the Case may be,*] the Day and Year
first above written.'

Service of
Summonses,
Notices, &c.

CLIV. And be it further enacted, That all Notices which are directed or required to be given by this Act, or which are authorized or directed to be served on the said Commissioners, shall and may be so served by leaving the same at the Office of the said Commissioners, or at the Office or House of their Clerk or other Chief Officer; and all Notices which are to be given by or on behalf of the said Commissioners, or which are or may be directed or required to be given by any Bye Law, Rule, or Order to be made in pursuance of this Act, or which shall or may be necessary for carrying into execution any of the Powers of this Act, or any or either of such Bye Laws, Rules, or Orders, of which the Manner of serving the same is not particularly directed by this Act, shall or may be served personally on the Person or Persons to whom such Notices respectively are to be given or left at his, her, or their last or usual Place of Abode.

Penalties not
to be reco-
vered unless,
&c.

CLV. Provided always, and be it further enacted, That no Person or Persons shall be subject or liable to the Payment of any of the Penalties or Forfeitures inflicted by virtue of this Act, for any Offence or Offences against this Act, or against any Bye Law, Rule, or Order to be made in pursuance thereof, unless some Proceedings, or Notice of some intended Proceedings, shall be had or given, according to the Direction of this Act respecting such Offence or Offences, within Three Calendar Months next after such Offence committed.

Certain Par-
ties not to be
incompetent
Witnesses.

CLVI. And be it further enacted, That in any Action, Prosecution, Information, Proceeding, or Suit whatsoever relating to or concerning the Execution of this Act, or of any Bye Law, Rule, or Order made in pursuance thereof, no Person shall be deemed incompetent to give Evidence by reason of his or her being a Mortgagee or Creditor on the Rates or Assessments hereby authorized to be imposed or assessed, or rated or assessed to, or paying any of the Rates or Assessments to be imposed by virtue of this Act; nor shall any Clerk to the said Commissioners be deemed to be incompetent to give Evidence in any Action or Actions in which he is not personally interested, and in which he is made Plaintiff or Defendant merely in consequence of his Situation as such Clerk as aforesaid.

Persons may
be summon-
ed as Wit-
nesses.

CLVII. And be it further enacted, That if any Person who shall be summoned as Witness or Witnesses to give Evidence before any Justice or
Justices

Justices of the Peace touching any Matters of Fact contained in any Information or Complaint for any Offence against this Act, or against any Bye Law, Rule, or Order made in pursuance thereof, whether on the Part of the Prosecutor or of the Person or Persons complained of, (and which Summons such Justice or Justices as aforesaid is or are hereby authorized to issue,) 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 for his, her, or their Costs and Charges, without a reasonable Excuse for such his, her, or their Refusal or Neglect, to be approved of by such Justice or Justices, or appearing shall refuse to be examined on Oath (or on solemn Affirmation), and to give Evidence before such Justice or Justices, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

CLVIII. And be it further enacted, That it shall be lawful for the Justice or Justices of the Peace before whom any Offender shall be convicted of any Offence against this Act, or against any Bye Law, Rule, or Order made in pursuance thereof, if he or they shall think fit, to allow and pay any Part of the Fine, Penalty, or Forfeiture which shall be imposed upon and received of any such Offender convicted before him or them of any such Offence as aforesaid (unless herein otherwise directed), not exceeding One Half Part thereof, to the Informer or Informers against such Offender, in such Shares and Proportions as to such Justice or Justices shall seem meet.

Justices may award a Moiety of Penalties to Informers.

CLIX. 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 or be demanded in pursuance of this Act, after an Appeal made to the said Commissioners in manner by this Act directed against such Rate or Assessment, or if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order, Judgment, or Determination of the said Commissioners, or by any Penalty imposed, or by any Conviction made, or by any other Thing done in pursuance of this Act, or of any Bye Law, Rule, or Order to be made in pursuance thereof, (save and except in such Cases where any Order, Judgment, or Determination is herein directed to be final or conclusive, and save and except in such Cases for which any other Method of Relief is herein appointed,) such Person or Persons may appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be holden for the said County of *Warwick* within Four Calendar Months next after the Cause of Complaint shall have arisen, or at any Adjournment of such Sessions, the Person or Persons appealing first giving or causing to be given to the Clerk to the said Commissioners Fourteen Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for such County, with sufficient Sureties, conditioned to try such Appeal, and to abide the Order of, and pay such Costs as shall be awarded by the Justices at such Sessions or Adjournment thereof; and the Justices at such Sessions, or Adjournment thereof, upon due Proof of such Notice having been given, and of such Recognizance having been entered into as aforesaid, shall hear and finally determine every such Appeal in a summary Way,

Appeal Clause.

Way, and award such Costs to the Party appealing or appealed against as the said Justices shall think proper; and shall and may, at their Discretion, discharge or mitigate all or any of the Penalties or Forfeitures incurred by the Party or Parties appealing; and the Determination of the said Justices at their said General or Quarter Sessions, or Adjournment thereof, shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

Justices may amend or quash Rates, &c. on Appeal.

CLX. And be it further enacted, That on an Appeal from any Rate or Rates, Assessment or Assessments, to be made by the said Commissioners for the Purposes of this Act, the Justices at such General or Quarter Sessions, or Adjournment thereof, shall and may amend the same, if they shall think proper, in such Manner as shall be necessary for giving Relief to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, aggrieved, without quashing or altering such Rate or Rates, Assessment or Assessments, with respect to any other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, mentioned in the same; but if upon Appeal from the whole Rate or Rates, Assessment or Assessments, it shall be found necessary to set aside the same, then and in such Case the said Justices shall and may order a new Rate or Rates, Assessment or Assessments, to be made in manner herein directed.

Proceedings not to be quashed for Want of Form, or removed by Certiorari.

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

Persons not to be deemed Trespassers through Defect of Form.

CLXII. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, or of any Bye Law, Rule, or Order to be made in pursuance thereof, 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 Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover Satisfaction for the special Damage in an Action upon the Case.

Notice of Actions.

CLXIII. And be it further enacted, That no Action, Suit, or Information shall be commenced against any Person or Persons for any thing done or to be done under or by virtue of this Act, or of any Bye Law, Rule, or Order to be made in pursuance thereof, until One Calendar Month's Notice thereof shall be first given in Writing to the Clerk to the said Commissioners for the Time being, signed by the intended Plaintiff or Plaintiffs, of the Cause and Intention of and for commencing such Action or Suit; nor at any Time whatsoever after sufficient Satisfaction or Tender thereof shall have been made to the Party or Parties aggrieved, nor after

Six Calendar Months next after the Fact committed for which such Action or Actions, Suit or Suits, shall be brought; and in case there shall be a Continuation of Damages, then not after Six Calendar Months next after the committing or doing such Damage shall cease; and in case no such Tender as aforesaid shall be made before an Action brought, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein such Action shall depend, at any Time before Issue joined to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court; and all such Actions and Suits shall be laid and tried in the County of *Warwick*, and not in any other County or Place; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act, or of some Bye Law, Rule, or Order made in pursuance thereof; and if the same Matter or Thing shall appear to have been so done, or if it shall happen that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time herein-before for that Purpose limited, or shall be laid or brought in any other County or Place as aforesaid, then the Jury shall find for the Defendant or Defendants therein; and also if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of such Action or Actions, or Judgment, after the Defendant or Defendants shall have appeared thereto, or if Judgment or Judgments shall be given for the Defendant or Defendants therein, or if any Verdict shall pass upon the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or may have for his, her, or their Costs in any other Cases by Law.

CLXIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, or defeat any Right, Interest, Property, Power, Privilege, Franchise, or Authority of the Right Honourable *Heneage* Earl of *Aylesford* as Lord of the Manor of *Leamington Priors* aforesaid, or as Lord of the Fairs within the said Town; but all and every such Rights, Interests, Property, Powers, Privileges, Franchises, and Authorities may be exercised and enjoyed in as full and ample Manner to all Intents and Purposes as the same were exercised and enjoyed before the passing of this Act.

Not to affect Rights of the Lord of the Manor.

CLXV. And whereas in pursuance or by virtue of the Powers of an Act passed in the Thirty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Navigable Canal out of and from the Warwick and Birmingham Canal, now cutting or intended to be cut in the Parish of Budbroke in the County of Warwick, into the Oxford Canal in the Parish of Braunston in the County of Northampton*; and another Act made and passed in the Thirty-sixth

Nor of Canal Company.

34 G. 3. c. 38.

[Local.]

43 Q-T

Year

36 G. 3. c. 95. Year of the Reign of His said late Majesty, intituled *An Act for authorizing the Company of Proprietors of the Warwick and Braunston Canal Navigation to vary the Course of a certain Part of the said Canal; and for amending and altering the Act made in the Thirty-fourth Year of His present Majesty for making the said Canal*; the Company of Proprietors of the *Warwick and Napton Canal Navigation* thereby incorporated have long since made and completed a Navigable Canal, with a Towing Path thereto, from *Warwick* aforesaid, through the said Parish of and near to the said Town of *Leamington Priors*, and have erected several necessary Bridges and other Works over and adjoining to the same; be it therefore further enacted, That nothing in this Act contained shall extend or be construed to extend to hinder or in any Manner prevent the said Company of Proprietors from using and enjoying their Rights and Privileges of and belonging to the said Canal Navigation, and the Towing Paths, Fences, Bridges, Roads, Works, and other Conveniences belonging thereto as they have heretofore done, and have by the said recited Acts or either of them Power to do; nor to authorize the said Commissioners to interfere or in any Manner intermeddle with the said Company of Proprietors, or the said Canal, Towing Path, Bridges, or other Works or Fences belonging thereto, or to lay down any Mains or Pipes, or set up any Lamp Posts or Lamps over or upon the said Bridges, or by the Sides of the said Canal, or Towing Path thereof, for the Purposes of this Act, without the Consent of the said Company of Proprietors in Writing under their Common Seal first had and obtained for that Purpose; and in case (on any such Consent being given) the said Commissioners, or their Agents or Workmen, shall in executing any of the Provisions of this Act, or any Work or Thing so authorized to be done, do any Injury, Spoil, or Damage to the said Canal, Towing Path, Bridges, Works, and Fences, or any Part thereof, then the said Commissioners shall at their own Costs and Charges effectually repair and make good all such Injury and Damage; and in case the said Commissioners shall, for the Space of Four Days then next following, neglect well and effectually to repair all such Injury, Spoil, or Damage, then it shall be lawful for the said Company of Proprietors forthwith to cause all such Injury, Spoil, or Damage to be repaired, and thereupon the said Commissioners shall forthwith repay to the said Company of Proprietors all such Sum and Sums of Money, Costs, Charges, and Expences, as they shall lay out and expend in and about such Repair; and if such Sum and Sums of Money, Costs, Charges, and Expences, shall not be paid by the said Commissioners or their Treasurer to the said Company, or their Clerk or Treasurer, within One Calendar Month after the same shall have been demanded of the said Commissioners or their Treasurer by the said Company of Proprietors or their Clerk, or any other Person on their Behalf, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Commissioners, or of the Treasurer of the said Commissioners, unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do, under a Warrant to be issued for that Purpose by any Justice of the Peace, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party entitled or claiming to receive such Costs and Expences.

CLXVI. And

CLXVI. 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. Public Act.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1833.

