



ANNO SEXTO

# GEORGIIV. REGIS.

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## *Cap. clxxxix.*

An Act for better paving, lighting, watching, and otherwise improving the Town of *Abingdon* in the County of *Berks*; for removing Nuisances, Annoyances, and Encroachments therein, and for preventing the same in future. [27th June 1825.]

**W**HEREAS an Act was passed in the Thirty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for paving the Footways in the Town of Abingdon in the County of Berks; for better cleansing, lighting, and watching the Streets, Lanes, Passages, and Places in the said Town; for removing and preventing Encroachments, Obstructions, Nuisances, and Annoyances therein; and for otherwise improving the said Town*: And whereas, by virtue and in pursuance of the said Act, and for carrying the same into Execution, the Commissioners named therein borrowed and took up at Interest certain Sums of Money by way of Mortgage of the Rates and Duties granted and authorized by the said Act, and the Principal Sum of Two thousand Pounds still remains due and owing thereon: And whereas the Powers and Provisions of the said recited Act have been found in many respects defective and deficient for the Purposes intended; and it is expedient that the said Act should be repealed, and other, further, and more effectual Powers and Provisions granted and made for better paving, lighting, watching, and otherwise improving the said Town, for removing Nuisances, Annoyances, and Encroachments therein, and for preventing the same in future; but the Purposes aforesaid cannot be effected without

[Local.] 34G.3.c.89.

Recited Act  
repealed.

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 from and after the passing of this Act, the said recited Act of the Thirty-fourth Year of the Reign of His late Majesty King *George* the Third shall be and the same is hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever.

Rates, &c.  
due on former Act to  
be paid.

II. Provided always, and be it further enacted, That all and every Person and Persons from or by whom any Rate or Rates, or Arrear of Rate or Rates, laid or assessed, or any Sum or Sums of Money whatsoever payable by virtue of the said recited Act, shall be due or unpaid at the Time of the passing of this Act, shall remain and be liable to the Payment thereof in all respects as such Person and Persons was or were liable before the passing of this Act, or would have been liable if the said recited Act had not been repealed, and was still in force; and all such Rate and Rates, and Arrears of Rate and Rates, Sum or Sums of Money, shall be paid to and received by the Commissioners for executing this Act, or their Collector or Collectors, or Treasurer or Treasurers, to be appointed as herein-after mentioned, and shall and may be recoverable and recovered in the same Manner and by the same Ways and Means as if such Rate or Rates, or Arrears of Rate or Rates, Sum or Sums of Money, had been laid or assessed, or become due under or by virtue of this Act, and as the Rates and Sum or Sums of Money by this Act granted may be recovered and levied by virtue of this Act.

Officers under former  
Act to  
account.

III. And be it further enacted, That each and every Treasurer, Collector, Surety, or other Person in whose Hands, Custody, or Controul any Money received or collected under or by virtue of the said recited Act shall be at the Time of passing this Act, shall pay, deliver up, and account for the same to the Commissioners for executing this Act, as if such Money had come to their or any of their Hands by virtue of this Act.

Contracts,  
&c. under  
former Act  
to be good  
under this  
Act.

IV. And be it further enacted, That all Contracts, Stipulations, or Agreements entered into by the Commissioners acting by or under the said recited Act, with any Person or Persons whomsoever, shall, notwithstanding the Repeal of the said recited Act, subsist and continue in force in such Manner as, according to the Tenor thereof respectively, the same would have subsisted and continued in case the said recited Act had not been repealed; and it shall be lawful for the said Commissioners appointed by this Act to sue and be sued upon the same respectively, in such Manner and under the same Regulations as the said Commissioners are herein-after authorized to sue and be sued.

This Act  
liable to the  
Payment of  
Money borrowed  
under former Act.

V. And be it further enacted, That this Act, and also the Rates and Assessments hereby respectively granted or authorized to be received, shall be and are hereby respectively made subject and liable to the Payment as well of all Monies which are now due and owing on the Credit or on Account of the Rates granted or authorized to be received by or by virtue of the said Act, together with all Interest due and to  
grow

grow due thereon, as also of all Monies which may be borrowed on the Credit or on Account of the respective Rates or Assessments hereby granted or authorized to be received, together with all Interest to become due in respect thereof, as fully and effectually, to all Intents and Purposes whatsoever, as if such Monies respectively had been wholly borrowed and become due and owing on the Credit or on Account of the Rates or Assessments hereby granted or authorized to be received.

VI. And be it further enacted, That all and every Book and Books containing the Accounts and Proceedings of the Commissioners for executing the said recited Act hereby repealed, or containing any Orders or Agreements made or entered into by them, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Act had not been repealed.

Books used  
under former  
Acts to be  
Evidence.

VII. And be it further enacted, That the Mayor and all His Majesty's Justices of the Peace for the said Borough of *Abingdon* for the Time being, the Chamberlain of the Corporation of *Abingdon*, the Master of the Hospital of *Christ* in *Abingdon*, and the Collector of the same Hospital respectively for the Time being, together with *Robert Allen, Richard Allmond, Thomas Ansell, Richard Badeock* (Mercer), *Thomas Baker, William Brown Baker, James William Barrett, Charles Baster, Edward Beasley, William Doe Belcher, Alexander Philip Bevan, William Bowles, John Box, Richard Bradfield, Daniel Burden, William Buswell, Edward Cheer, Samuel Cheer, William Church, James Cole, John Vindin Collingwood, Benjamin Collingwood, Job Collier, Thomas Copeland, Thomas Copeland the younger, Joseph Copeland, Thomas Covington, Edward Cowcher, George Cox, William Curtis, Thomas Curtis, Charles Archer Curtis, Henry Dewe, Nathaniel Dodson Clerk, Benjamin Jeffries Evans, Caleb Evans, Thomas Fletcher, Joseph Fletcher, James Giles, Richard Goodluck, William Graham, John Harris, James Torry Hester, John Hyde, Richard Blackwell Kendall, Thomas Kendall, John Kent, the Reverend John Kershaw, Charles King, Henry Knapp, Henry Knapp the younger, Thomas Knight, John Latham, Joseph Leverett, William Mitchell, Benjamin Morland, Thomas Thornhill Morland, Benjamin Morland the younger, Edward Nicholson Clerk, Charles Owen, Peter Pickman, William Pratt, John Ramsey, William Salisbury, Sir Charles Saxton Baronet, George Shepherd, William Smith Clerk, John Francis Spenlove, John Francis Spenlove the younger, William Strange, Edward Stroud, John Tomkins, William Tomkins, Charles Tomkins Doctor of Medicine, John Tomkins (Mercer), James Tyrrell Clerk, Thomas Waite, Thomas Waite the younger, Jeremiah Wallis, Thomas West, and the Reverend William Wilkins, and their several and respective Successors, to be elected as herein-after mentioned, shall be and are hereby appointed the Commissioners for putting this Act into Execution.*

Commis-  
sioners.

VIII. And be it further enacted, That when and as often as any of the Commissioners hereby appointed (save and except the Mayor and His Majesty's Justices of the Peace, the Chamberlain of the Corporation, the Master of the Hospital of *Christ* in *Abingdon*, and the Collector of the same Hospital respectively for the Time being), or to be from Time to Time elected as herein-after is mentioned, shall die, or refuse to act, or shall remove from and reside out of the said Town, it shall be lawful for the

Election of  
new Com-  
missioners.

the surviving or remaining Commissioners, or any Nine or more of them, from Time to Time, at a Meeting to be held for that Purpose, by Writing under their Hands, to elect another Person occupying any Lands, Tenements, or Hereditaments within the said Town, in the Place of each Commissioner so dying, refusing to act, or removing as aforesaid; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the said Commissioners, by fixing the same on the principal Church Doors or Entrances of the Two Churches, and on the Door of the Guildhall in the Town of *Abingdon* aforesaid, and by advertising such Notice in the *Reading Mercury*, or some other Paper published and circulated in the County of *Berks*, at least Ten Days before the Meeting for every such Election; and every Person so elected shall have the same Powers and Authorities for putting this Act in Execution, in all respects whatsoever, as if he had been named a Commissioner in and by this Act.

Qualification  
of Com-  
missioners.

IX. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Sixty Pounds, or shall be Heir Apparent of some Person having an Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of One hundred Pounds above Reprizes, or shall be possessed of a Personal Estate of the Value of One thousand five hundred Pounds clear of all Deductions; and if any Person not being so qualified shall presume to act as a Commissioner, every such Person 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 in His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so sued or prosecuted shall prove that he is 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.

Commis-  
sioners to  
take an Oath.

X. Provided also, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oaths herein-after mentioned) until he shall have taken and subscribed, before any Five or more of the said Commissioners, at a Meeting to be held by virtue of this Act, (they being hereby authorized and required to administer the same to each other), Oaths in the Words or to the Effect following; (that is to say),

Form of  
Oath.

‘ I *A. B.* do swear, That I am truly and *bonâ fide* in my own Right  
‘ [or in the Right of my Wife] in the actual Possession and Enjoy-  
‘ ment or Receipt of the Rents and Profits of Lands, Tenements, or  
‘ Hereditaments of the clear yearly Value of Sixty Pounds; [or that I  
‘ am Heir Apparent of some Person having an Estate in Lands, Tene-  
‘ ments, or Hereditaments of the clear yearly Value of One hundred  
‘ Pounds above Reprizes; or that I am possessed of a Personal Estate  
‘ of the Value of One thousand five hundred Pounds clear of all De-  
‘ ductions.]  
‘ So help me GOD.’

‘ I. A. B.

I *A. B.* do swear, 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 by virtue of an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled, &c. [*here set forth the Title of this Act.*]

So help me GOD.

XI. Provided also, and be it further enacted, That no Commissioner appointed or to be elected by virtue of this Act shall be capable of acting or voting as such in any Case wherein he shall be personally interested, or during the Time he shall enjoy any Office of Profit under or be concerned in any Contract made by virtue of this Act; but it shall be lawful for such of the said Commissioners who shall be the Mayor, or a Justice or Justices of the Peace of or for the Borough of *Abingdon* in the said County, to act as Justice or Justices in the Execution of this Act within his or their Jurisdiction, notwithstanding his or their being a Commissioner or Commissioners (except in such Cases where they are respectively concerned in Interest); and in all Cases where Cognizance is given by this Act to any Justice or Justices of the Peace, it shall be lawful for such Justice and Justices to administer an Oath to any Person or Persons for more certain Information in the Matter depending.

No Commissioner to act where interested, or where holding any Place of Profit.

Justices may administer Oaths.

XII. And be it further enacted, That the said Commissioners shall and may meet and assemble at the Guildhall in the said Town of *Abingdon*, on the Third *Tuesday* next after the passing of this Act, in order to put this Act into Execution, and shall and may then, and from Time to Time afterwards, adjourn themselves to and meet at the Place aforesaid, or at any other convenient Place within the said Town, as they or the major Part of them present at such Meeting shall appoint; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Commissioners to act and to adjourn to another Day, (Two Commissioners being always to be deemed sufficient for the Purpose of Adjournment), or if they shall at any Time neglect or refuse to adjourn, then and in every such Case their Clerk, or any Two or more of the said Commissioners, shall and may call a Meeting at the Place where the last Meeting was appointed to be holden, public Notice thereof being given by the Common Crier of the said Town by the usual Mode of Proclamation, and affixed in Writing on the principal Church Doors or Entrances of the said Two Churches, and against the Door of the Guildhall of the said Borough, at least Seven Days before such Meeting; and at all Meetings to be held in pursuance of this Act the Commissioners shall defray their own Expences; but no Act of the said Commissioners (except that of Adjournment, or calling a Meeting in default of Adjournment as aforesaid) shall be valid, unless made or done at some public Meeting held by virtue of this Act, except in such Cases as are herein particularly provided for.

Time and Place of First Meeting.

Power to adjourn.

Power to appoint a Meeting where no Adjournment.

Commissioners to pay their own Expences.

No Act of Commissioners valid but at a Meeting.

XIII. And be it further enacted, That all the Powers and Authorities by this Act granted to or vested in the said Commissioners, shall and may from Time to Time be exercised by the major Part of them present at any public Meeting to be holden as herein mentioned, such major Part not being less than Five in Number, and all the Acts, Orders, and Proceedings of the said Commissioners so done shall be as good, valid, and effectual

Powers to be exercised by a Majority of the Commissioners.

Chairman to  
be appointed.

Casting Vote.

effectual to all Intents and Purposes as if the same had been done before all the said Commissioners; and a Chairman shall and may in the first Place be appointed at every such Meeting; and in all Cases the said Commissioners shall vote by Ballot, in case the same is desired by any Three or more of the said Commissioners then present; and in case of an equal Number of Votes upon any Occasion (including the Chairman's Vote) the Chairman shall have the Casting Vote.

Manner of  
revoking  
Orders.

XIV. And be it further enacted, That no Order made by the said Commissioners at any of their Meetings shall be revoked or altered unless at some Meeting to be held for that Purpose, (of which Sixteen Days Notice shall be given by the Crier, and by Writing on the Church Doors as aforesaid, therein expressing the Occasion of such Meeting), and also unless Nine Commissioners shall attend at such Meeting, and Two-thirds of them shall agree to revoke or alter the same; any thing in this Act contained to the contrary notwithstanding.

Proceedings  
to be entered  
in Books, &c.

Books, &c.  
to be Evi-  
dence.

Books may  
be inspected.

Commis-  
sioners may  
appoint  
Officers.

XV. And be it further enacted, That the said Commissioners shall cause to be provided and kept proper Books, and shall, by their Clerk, cause fair and regular Entries to be made in such Books 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 any Meeting; and the Chairman at every Meeting of the said Commissioners shall subscribe his Name at the End of the Orders or Proceedings of the said Commissioners, and all Entries in such Books, being signed as aforesaid, shall be deemed Originals; and the same, or true Copies thereof, and also the Book, or Books herein-after directed to be kept for registering Mortgages and Assignments of the Rates or Transcripts thereof, shall be allowed to be read in Evidence in all Suits, Actions, Informations, Appeals, and other Proceedings touching any thing done in pursuance or by virtue or colour of this Act, or touching any Penalty or Forfeiture hereby made recoverable, or any other Matter relating to the Execution hereof; and such Books shall, at any of the Meetings of the said Commissioners, and at all other seasonable Times in the Day-time, be open and liable to the Inspection of all and every the said Commissioners, and of all and every Person and Persons rated and assessed for the Purposes of this Act, and also of all and every the Creditors on the Rates and Duties hereby granted and made payable.

XVI. And be it further enacted, That the said Commissioners shall and may, at their First or any subsequent Meeting, appoint One or more Treasurer or Treasurers, Clerk or Clerks, and One or more Assessor or Assessors, and Collector or Collectors of the Rates or Assessments herein-after mentioned; and also a Surveyor or Surveyors, Scavenger or Scavengers, and such other Officers for the Execution of this Act as the said Commissioners shall think proper, and may from Time to Time remove him or them, and appoint others in the Room of such of them as shall be so removed, or shall die, or shall otherwise relinquish or discontinue, or be incapable of performing their respective Offices, and out of the Monies to be raised by virtue of this Act shall and may make and pay such Salaries, Wages, and Allowances to the said Officers, and to all other Persons by the said Commissioners employed in the Execution of this Act, as they shall think reasonable and proper; and the said Commis-  
sioners

sioners may and they are hereby required to take such Security from such Treasurer or Treasurers, Collector or Collectors, and such other Officer or Officers, for the due Execution of their respective Offices, as the said Commissioners shall think proper; and all such Officers and Persons so to be appointed as aforesaid shall, under their Hands, (at such Time and Times and in such Manner as the said Commissioners shall direct,) deliver to the said Commissioners, or to such Person or Persons as they shall appoint, a true and perfect Account or Accounts in Writing of all Matters and Things committed to their Charge respectively by virtue of this Act, and also of all the Monies which shall have been by such Officers and Persons respectively received by virtue of or for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, and to whom, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same; and if any of such Officers or Persons shall neglect or refuse to deliver any such Accounts as aforesaid, or to produce and deliver up the Vouchers relative to the same, or to make Payment as aforesaid, or shall neglect or refuse to deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Fourteen Days next after being thereunto required by the said Commissioners, by Notice in Writing given to or left at the last or usual Place of Abode of any such Officer or Person, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Commissioners respecting the same, then and in any of the Cases aforesaid the said Commissioners may and are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively, with Costs of Suit; or if Complaint shall be made by the said Commissioners, or by such Person or Persons as they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any One or more of the Justices of the Peace of the Borough, County, or Place wherein such Officer or Officers, Person or Persons so neglecting or refusing shall be or reside, such Justice or Justices may and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause the Officer or Officers, Person or Persons so neglecting or refusing, to be apprehended and brought before him or them, and upon his or their appearing, or in case the Constable or other Officer to whom such Warrant or Warrants shall be directed shall make Return on Oath that he or they is or are not to be found, then and in either such Case the said Justice or Justices shall and may hear and determine the Matter in a summary Way, and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justice or Justices that any of the Money which shall have been raised, received, or collected under or by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justice or Justices may and is and are hereby authorized and required, upon Nonpayment thereof before him or them, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause such Money and all Charges to be levied by Distress and Sale of the Goods and

Officers to  
give Security,  
and to ac-  
count.

On Refusal  
to render  
Accounts,  
&c.

Commis-  
sioners may  
sue, or a  
Magistrate  
may give  
Relief.

1799  
1798  
1797  
1796

For Want of  
Distress,  
Officers may  
be com-  
mitted.

and Chattels of such Officer or Officers, Person or Persons respectively, and paid to the said Commissioners, or as they shall appoint; and if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money and the Charges of such Distress and Sale, or if it shall, upon such Hearing appear, by such Confession or Testimony as aforesaid, to such Justice or Justices, that any such Officer or Officers, Person or Persons, hath or have neglected or refused to deliver any such Account as aforesaid, or to produce and deliver up the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act were in the Custody or Power of any such Officer or Officers, Person or Persons, and he or they hath or have neglected or refused to deliver or give Satisfaction respecting the same as aforesaid, then, and in any of the Cases aforesaid, such Justice or Justices shall commit every such Offender or Offenders to the Common Gaol for the Borough, County, or Place where such Offender or Offenders shall be or reside, there to remain without Bail or Mainprize until he or they shall make Payment to the said Commissioners, or whom they shall appoint, of such Money as aforesaid, or shall compound with the said Commissioners for the same, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), or until he or they shall deliver every such Account as aforesaid, or produce and deliver up such Vouchers as aforesaid, or shall deliver or give Satisfaction respecting such Books, Papers, and Writings respectively as aforesaid, according as the Circumstances of each respective Case shall require; but no Person who shall be committed on account of his not having sufficient Goods or Chattels, shall be detained in Prison for any longer Term than Three Calendar Months: Provided always, that if any Money shall remain due from such Officer or Officers, Person 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 Person had not been committed to Prison.

Clerk not to  
act as Treas-  
urer, and  
vice versa.

XVII. And be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of this or the said recited Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner, the Treasurer or Treasurers for the Purposes of this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, the Clerk or Clerks of the said Commissioners; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers, or the Clerk or  
Clerks



Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust, other than that of Treasurer, under the said Commissioners, every such Person so offending 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, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

XVIII. And be it further enacted, That in case of the Death of any such Officer or other Person to be appointed as aforesaid, or of his becoming Bankrupt, the Executors or Administrators of such respective Officer or other Person, or the Assignees of his Estate and Effects, or other Persons possessing the same, shall deliver up to the said Commissioners, or some Person appointed by them, all Books, Papers, Writings, and other Things concerning the Office of such Officer, or otherwise relating to the Execution of this Act, which shall come to the Hands or Possession of such Executors, Administrators, Assignees, or other Persons as aforesaid; and in case of Nondelivery of such Books, Papers, Writings, and Things, for the Space of Fourteen Days after the same shall be demanded by the said Commissioners, or by some Person by them appointed so to do, it shall be lawful for the said Commissioners to commence and prosecute any Action or Actions, Suit or Suits, in any of His Majesty's Courts of Record at *Westminster*, against such Executors, Administrators, Assignees, or other Person or Persons possessing the Estate and Effects which did belong to such deceased Person or Bankrupt, for the Recovery of full Damages in lieu of such Books, Papers, Writings, and Things, together with the Costs of every such Action or Suit.

When Officers die or become Bankrupts, Executors, &c. to deliver up Books, &c.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners to nominate and appoint One or more Committee or Committees (every such Committee to consist of Three or more Persons) out of the said Commissioners, to investigate, transact, and manage particular Departments of Business; and such Committee or Committees shall have full Power and Authority to do, execute, and perform all Matters and Things whatsoever which the said Commissioners shall from Time to Time entrust to the Management of such Committees; and such Committees shall meet at such Times and Places within the said Town as they shall think proper; and all Powers which shall be vested in the said Committees shall be exercised by the major Part present at their respective Meetings; and such Committees shall from Time to Time make Reports of their Proceedings to the said Commissioners; and the Acts of the said Committees shall not be valid unless the same shall be adopted, ratified, and confirmed by the said Commissioners at some of their Meetings to be held under or by virtue of this Act, unless it shall be otherwise declared in their Appointment.

Committees may be appointed.

XX. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time to order and direct a

[Local.]

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Book

Accounts to be kept of Receipts and

Disburse-  
ments, which  
shall be open  
to Inspection.

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 received, paid, laid out, and expended for or on account of the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, and every Creditor of the Rates hereby authorized to be made, and of every Person paying any Rate or Assessment hereby authorized or otherwise affected thereby, without Fee or Reward; and the said Commissioners, Creditors, and other Persons aforesaid, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners, Creditors, or Persons aforesaid to inspect the same, and to take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Default, to be levied, recovered, and applied in manner herein-after provided.

Power to  
light the  
Streets.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered to cause the Streets, Lanes, Passages, and other public Places within the said Town to be well and effectually lighted, either with Gas, Oil, or otherwise, at such Seasons and Times as the said Commissioners shall judge proper; and for that Purpose the said Commissioners are hereby also empowered, if they shall think it expedient so to do, to purchase or rent from any Person willing to sell or let the same, any Buildings, Erections, or Lands within the Limits of this Act, or within any Parish or Place near or contiguous thereto, not exceeding Two Statute Acres, for the Purpose of erecting and making suitable Buildings and Apparatus therein and thereon, for the manufacturing of Gas; and also when and as often as it may be necessary, and from Time to Time, to break up the Soil or Pavement of any Footways or the Carriageways of any of the Streets, Lanes, or other public Passages or Places, and to cause Mains or Pipes for the Conveyance of Gas to be laid and carried along, through, and under all, any, or either of the Streets, Lanes, Passages, or Places within the said Borough, or within any Parish or Place near or contiguous thereto, where the said Buildings or Erections shall be made, and to cause such and so many Lamp Irons, Lamp Posts, Pillars, Pilasters, and Pipes, as they shall judge necessary, to be affixed or set up into, upon, or against any of the Walls or Palisades of any of the Houses or Buildings, or any other Walls or Fences within the said Borough, or in or upon any of the Carriageways or Footways within the said Borough, and at, to, or from the Place or Places where the said Buildings and Erections shall be made, in such Situations and at such Distances and in such Manner as the said Commissioners shall think proper, and to cause so many Glass or other Lamps, with such Sorts of Burners, Reflectors, or other Apparatus, and of such Dimensions, Constructions, and Qualities as the said Commissioners shall judge proper, to be provided and affixed upon or to such Iron Posts, Pillars, or Pilasters, or any of them, or to or against any House, Building, Wall, or other Place, making Satisfaction for any Damage done thereby, as herein-after mentioned, and to cause the same  
Iron

Iron Posts, Pillars, Pilasters, and Lamps, or any of them, to be from Time to Time taken down, removed, altered, repaired, renewed, or replaced when and as often as they shall think proper, and to cause such Lamps or any of them to be lighted at such Seasons of the Year, on such Evenings and at such Hours of the Evening, and to be kept burning for so many Hours, as shall be thought expedient by the said Commissioners; and from and after the laying and fixing such Mains or Pipes, Posts, Pillars, Pilasters, Irons, and Lamps, the same and every of them shall be held and deemed to belong to and be the Property of the said Commissioners, and the same are hereby vested in the said Commissioners for the Time being: Provided always, that nothing herein contained shall authorize or empower the said Commissioners, or any Person or Persons whosoever, to carry, lay, or fix any Pipe or Pipes, or other Thing for the Conveyance of the said Gas or Inflammable Air, through or against any Dwelling House or Houses or private Buildings, or any private Lands or Hereditaments and Premises, or so to continue the same, without the Consent of the Owner and Occupier of every such Dwelling House, Hereditament, or Building, and such Lands, respectively for that Purpose.

XXII. And be it further enacted, That all the said Pavements, Curbstones, Paving and Flagstones, Pebbles, and other Materials of and belonging to the present Footways or Pavements, Gutters, Drains, and Watercourses, by virtue of or under the said recited Act, and all Pavements, Curbstones, Paving and Flagstones, and other Materials, which shall or may be laid down or used by the said Commissioners under or by virtue of this Act, and all Pipes, Posts, Pillars, Pilasters, Irons, and Lamps, and public Pumps and Wells (which the said Commissioners may or shall cause to be erected or made), and all other Articles, Matters, and Things now and at all Times hereafter appertaining or belonging to the said Pavements, Pipes, Posts, Pillars, Pilasters, Irons and Lamps, Pumps and Wells, and every of them, within the Streets, Lanes, Passages and Places of the said Town, or of and belonging to the said Buildings or Works, shall be held and deemed to belong to and be the Property of the said Commissioners, and the same are hereby vested in the said Commissioners for the Time being; and from and immediately after the passing of this Act it shall be lawful for them from Time to Time, when and as often as they shall think proper, to cause, order, or direct all or any of the present or future Foot Pavements, Gutters, Drains, Sewers, and Watercourses in or near the respective Streets, Lanes, Passages, and Places in the said Town to be taken up, and the several Footways, Gutters, Drains, Sewers, and Watercourses therein to be paved, pitched, repaired, raised, lowered, widened, narrowed, or altered in such Manner as they shall think proper, and any of the Footways, where the said Commissioners shall think fit, to be paved with Flagstones or smooth Pavement, and where necessary with Curbstone, and to make such Pavement of such Width as to the said Commissioners shall seem necessary or proper, and the Person or Persons appointed by them for that Purpose shall and have hereby full Power and Authority to do the same; and the said Commissioners shall and may cause any Action to be brought, or direct any Bill of Indictment to be preferred, as the Case may require, against any Person or Persons who shall steal, take, or carry away, detain, destroy, deface, damage, or injure the several Articles, Matters, and Things so hereby vested in the said Commissioners as aforesaid, or any

Vesting  
Pavements,  
&c. in Com-  
missioners.

any Part thereof; and in all such Actions and Bills of Indictment respectively, it shall be sufficient to state generally, that the Article, Matter, or Thing for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment shall be preferred, is or are the Property of the Commissioners for better paving, lighting, watching, and otherwise improving the Town of *Abingdon*, without stating or specifying the Names of all or any of the said Commissioners.

Commissioners may sue and be sued in the Name of any One of them, or in the Name of their Treasurer or Clerk.

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

Commissioners to repair Damage done to Walls, &c. by fixing Lamps.

XXIV. Provided always, and be it further enacted, That if any Injury or Damage shall be occasioned to any Rail, Building, or Wall, by the affixing, setting up, taking down, altering, or removing any Lamp, or any Lamp Iron or other Fastenings thereof, the said Commissioners 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.

Commissioners empowered to let out Gas Lights in case they light the Streets themselves.

XXV. And be it further enacted, That in case the said Commissioners shall deem it expedient to erect such Gas Apparatus, and to light the said Streets, Lanes, Passages, and Places, or any of them, with Gas or Inflammable Air without contracting for the same, it shall be lawful for the said Commissioners, after sufficiently lighting such Streets, Lanes, Passages, and Places, to let out or grant to any Occupier or Occupiers of any Lands, Tenements, or Hereditaments within the said Town, who shall be willing to take the same, any Light or Lights, or Argand, Cockspur, Batwing, or any other kind of Burner or Burners, and to supply the same within the said Town with Gas or Inflammable Air,  
upon

upon such Terms and Conditions, and at such Annual Rents for the same, and in such Manner as they the said Commissioners shall from Time to Time think proper: Provided nevertheless, that all Money to proceed therefrom or to arise thereby be in the first Instance applied to defray the Expences of the Gas Apparatus, and other Things connected therewith; and if there shall be any Overplus, then the same shall be applied generally for the Purposes of this Act.

XXVI. Provided always, and be it further enacted, That in case any Pipe, Cock, or Branch shall be carried or laid from any Main or Pipe of the said Commissioners, or of any Body Politic or Corporate, Person or Persons whatsoever, lighting as aforesaid, into or through or against any private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground, for the Purpose of lighting the same, or any other Dwelling House, Manufactory, Building, Yard, or Ground, in pursuance and conformably to the Powers and Authorities in this Act contained, and the Owner or Occupier of any such private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground, into or through or against which such Pipe, Cock, or Branch shall pass or be laid, shall be desirous that the same Pipe, Cock, or Branch shall be altered or removed and taken away, and of such his or her Desire shall give Notice in Writing to the said Commissioners, or Body Politic or Corporate, or Person or Persons as aforesaid, then and in every such Case the said Commissioners, or Body Politic or Corporate, or Person or Persons as aforesaid, shall, within Seven Days after the Receipt of such Notice, alter or remove and take away, or cause to be altered or removed and taken away, all or any such Pipes, Cocks, and Branches as shall have been so introduced and laid therein or thereupon from any such Main of the said Commissioners, or Body Politic or Corporate, or Person or Persons as aforesaid; and in default thereof it shall be lawful for such Owner, Occupier, or any other Person or Persons acting under his or her Authority, to cause such Pipes, Cocks, and Branches to be altered or removed and taken away, as the Case may require; and the Costs and Expences of such Removal shall be recovered from the said Commissioners, or Body Politic or Corporate, or Person or Persons as aforesaid, on Complaint before a Justice of the Peace, as any Penalty is recoverable under this Act, if the same be not paid on Demand by such Commissioners, or Body Politic or Corporate, or Person or Persons as aforesaid.

Pipes to be removed from Dwelling Houses on Notice.

XXVII. And be it further enacted, That in case any Person or Persons who shall contract with the said Commissioners, or Body Politic or Corporate, or Person or Persons as aforesaid, or otherwise agree to take, or shall use or enjoy the Benefit of the said Gas in their private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, shall refuse or neglect, for the Space of Ten Days after Demand, to pay the Sum or Sums then due for the same to the said Commissioners, or Body Politic or Corporate, or Person or Persons as aforesaid, according to the Terms and Stipulations of the said Commissioners, or Body Politic or Corporate, or Person or Persons as aforesaid, it shall be lawful for any Justice of the Peace for the said Borough, by Warrant under his Hand and Seal, to cause the said Sum or Sums of Money in respect whereof such Neglect or Refusal shall happen, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or

Recovery of Rent.

[Local.]

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refusing

refusing to pay the same, rendering the Overplus (if any) to such Person, or Persons so neglecting or refusing, after the necessary Charges of making such Distress and Sale shall be first deducted.

Service Pipes  
to be kept  
fully charged  
with Gas.

XXVIII. And be it further enacted, That the Branch or Service Pipes, which shall be put down for lighting the said Streets, Lanes, 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  
Four Feet  
from Water  
Pipes, and in  
a particular  
Manner.

XXIX. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Lane, Passage, or Place within the Limits of this Act, 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, Passages, or Places within the Limits of this Act, except in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, in which Case 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 said Gas Pipes so crossing the said Water Pipes shall be at least Six Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Three Feet at least; and in laying down the said Gas Pipes, the said Commissioners, or Body Politic or Corporate, or Person or Persons as aforesaid supplying Gas, shall in no Case join Two or more Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto, with proper and sufficient Materials.

For ascer-  
taining if  
Water is con-  
taminated.

XXX. And whereas it may be or become a Question whether the Water of any Well or Pump be contaminated or affected by the Gas of the said Commissioners, or Body Politic or Corporate, or Person or Persons as aforesaid, lighting as aforesaid; be it therefore enacted, That in every such Case it shall be lawful for the said Owner or Owners, or Occupier or Occupiers of any Messuage or Dwelling House, or of any Pump or Well, the Water of which may be so affected as aforesaid, to dig to and about, and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, or Body Politic or Corporate, or Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Commissioners, or Body Politic or Corporate, or 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, or Body Politic or Corporate, or Person or Persons as aforesaid, and such Owner or Owners, Occupier or Occupiers, shall have given Twenty-four Hours Notice in Writing to the said Commissioners, or Body Politic or Corporate, or Person or Persons as aforesaid, or to their, his, or her Clerk or Surveyor,

Surveyor, of his, her, or their Intention to dig and make such Search and Examination, to the Intent they, he, or she may attend such Search and Examination, then and in such Case the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the said Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Commissioners, or Body Politic or Corporate, or Person or Persons as aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by One or more Justice or Justices of the Peace for the said Borough of *Abingdon*, and be recovered by Distress in like Manner as Penalties 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, or Body Politic or Corporate, or Person or Persons as aforesaid, then and in such Case the said Owner or Owners, Occupier or Occupiers of such Messuage or Dwelling House, Pump or Well, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners, or Body Politic or Corporate, or 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, or Body Politic or Corporate, or Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavements, Gutters, and Watercourses 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, and be recovered in manner aforesaid.

XXXI. 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 Body Politic or Corporate, or Person or Persons whatsoever, within the said Town, the said Commissioners, or Body Politic or Corporate, or Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed for lighting any Highway, Street, or Place, or any House, Building, Manufactory, or other Premises within the Limits of this Act, shall, immediately after receiving Notice by Parol or in Writing of any such Escape of Gas, from any Person or Persons whomsoever, 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 Body Politic or Corporate, or Person or Persons as aforesaid, shall not within Twenty-four Hours next after such Notice given effectually stop and prevent any future Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Commissioners, or Body Politic or Corporate, or 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 or Affirmation of One or more credible Witness or Witnesses, by Information to be laid before some One or more Justice or Justices of the Peace for the said Borough of *Abingdon*, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale

For preventing the Escape of Gas.

Sale of the Goods and Chattels of the said Commissioners, or of the Goods and Chattels of the said Body Politic or Corporate, or Person or Persons as aforesaid.

Penalty for  
damaging  
Pipes, &c.

XXXII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously remove, take away, destroy, damage, or injure any or any Part of any Pipe, Plug, or other Apparatus, Matter, or Thing belonging to the said Commissioners, or Body Politic or Corporate, or Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed for lighting any Highway, Street, or Place, or any House, Building, Manufactory, or other Premises within the Limits of this Act, or shall wilfully or maliciously waste any of the Inflammable Air or Gas supplied by the said Commissioners, or Body Politic or Corporate, or Person or Persons as aforesaid, every Person so offending in any of the respective Premises, and being thereof lawfully convicted, on the Oath or Affirmation of some credible Witness or Witnesses before some Justice or Justices of the Peace for the said Borough, shall forfeit and pay to the said Commissioners, or Body Politic or Corporate, or Person or Persons as aforesaid, any Sum not exceeding Five Pounds, and Three Times the Amount of the Damage done or occasioned by such Conduct, the same to be ascertained by such Justice or Justices; and such Penalty and Damage, together with reasonable Costs, shall be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any) on Demand, to the Owner of such Goods and Chattels; or such Offender shall and may be committed to the Common Gaol or House of Correction of the said Borough, there to remain for any Time not exceeding Six Calendar Months.

Restriction  
as to the  
breaking up  
of Pavements,  
Roads, &c.

XXXIII. And be it further enacted, That it shall not be lawful for any Body Politic or Corporate, or Person or Persons whomsoever, to break or take up or disturb the Pavement or Ground in any Road, Street, Lane, Passage, or Place, for the Purpose of laying down any Main Pipe or Main Pipes (except Service Pipes of a Diameter not exceeding One Inch in the Bore), without the Consent in Writing of the said Commissioners, given at some Meeting held in pursuance of and according to the Directions of this Act, or of the Surveyors or other Persons having the Controul of such Pavement, Ground, Road, Street, Lane, Passage, or Place respectively, first obtained; but nothing in this Act contained shall be deemed or construed to prevent any Body Politic or Corporate, or Person or Persons whomsoever, from laying down, repairing, or altering such Main Pipes (after such Consent as aforesaid), or from opening, taking up, or removing any of the Ground, Stones, Soil, or Pavement, or otherwise, in or of any Road, Street, Lane, Passage, or Place whatsoever, for the laying down, repairing, or altering of any such Service Pipes, or of any Apparatus leading from such Main Pipes (after such Consent as aforesaid).

Notice to be  
given of  
breaking up  
of Pavements,  
Roads, &c.

XXXIV. And be it further enacted, That (after such Consent as aforesaid) it shall not be lawful for any Body Politic or Corporate, or Person or Persons whomsoever, to break or take up or disturb any of the Pavements or Ground in any Road, Street, Lane, Passage, or Place, for the Purpose of laying down or repairing any Main Pipe or Pipes (except Service Pipes as aforesaid), or of altering the Position of any such Main Pipe or Pipes (except as aforesaid), unless Notice in Writing of his or their



their Intention to break or take up such Pavement or Ground, specifying the Road, Street, Lane, Passage, or Place, and the particular Part thereof intended to be broken or taken up, shall have been given to the Surveyor or Superintendant of such Road, Street, Lane, Passage, or Place for the Time being, the Pavement, Ground, or Soil whereof is so intended to be broken or taken up, or shall have been left for him at his Dwelling House or last Place of Abode, for the Space of Twenty-four Hours at the least before such Pavement or Ground, or any Part thereof, shall be so broken or taken up, except in Cases of sudden Emergency, when such Notice shall be given as soon as possible after such Pavements or Ground, or any Part thereof, shall be broken or taken up; and if any Body Politic or Corporate, or Person or Persons whomsoever, shall break or take up or disturb, or cause to be broken, taken up, or disturbed, any such Pavements or Ground, without such Consent as aforesaid, and without such Notice being given or left as aforesaid (except as aforesaid), or shall break or take up or disturb any such Pavement or Ground, for the Purpose of laying down any Main or Mains, without such Consent as aforesaid, then and in every such Case such Body Politic or Corporate, or Person or Persons as aforesaid, shall forfeit and pay to the said Commissioners, Surveyors, or other Persons having the Controul of the Pavements or Road, Ground or Soil, which shall be so broken or taken up or disturbed, the Sum of Forty Shillings for every Square Yard of Pavement or Ground which shall be so broken or taken up without such Notice as aforesaid (except as aforesaid), to be recovered and levied in such Manner as other Penalties and Forfeitures by this Act imposed are directed to be recovered and levied.

XXXV. And be it further enacted, That when and as often as any Body Politic or Corporate, or Person or Persons whomsoever, shall have lawfully broken up or removed the Stones, Ground, Soil, or Pavement in or of any Road, Street, Lane, Passage, or Place, or any Part thereof, the said Body Politic or Corporate, or Person or Persons as aforesaid, shall, and they are hereby required, immediately thereafter, to reinstate and make good such Ground, Soil, or Pavement, to the Satisfaction of the Surveyors or Commissioners, or other Person or Persons having the Controul, Direction, or Superintendance of such Pavement, Soil, or Ground respectively; and the said Body Politic or Corporate, or Person or Persons as aforesaid, shall carry, or cause to be carried away, all surplus Earth, Filth, and Rubbish occasioned thereby, at their Costs and Charges; and during the Time that such Works are carrying on, and until such Ground, Soil, or Pavement is reinstated as aforesaid, the said Body Politic or Corporate, or Person or Persons as aforesaid, shall provide proper 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 Body Politic or Corporate, or Person or Persons as aforesaid, shall make Default in 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, or other Persons having such Controul, Direction, or Superintendance as aforesaid, to reinstate such Ground, Soil, and Pavement, and the Expences thereof shall be repaid by

Pavements,  
&c. to be  
made good  
after Pipes,  
&c. have been  
laid down.

[Local.]

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the

the said Body Politic or Corporate, or Person or Persons as aforesaid, to the Person or Party so reinstating the same; and in default of Payment thereof within Thirty Days next after Demand thereof in Writing shall have been made for aid on the Behalf of such Commissioners or other Persons (Proof being made thereof 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, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered for the Use of such Person or Party, by Distress and Sale of the Goods and Chattels of the said Body Politic or Corporate, or of the Goods and Chattels of such Person or Persons as aforesaid, 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, who is and are hereby empowered to grant the same.

Power to  
alter Pipes.

XXXVI. And be it further enacted, That if it shall at any Time or Times be deemed necessary or expedient by the said Commissioners, Surveyors, or other Person or Persons having the Controul, Direction, or Superintendance of the said Roads, Streets, Lanes, Passages, and Places respectively, to require the said Body Politic or Corporate, or Person or Persons, to raise or sink, or otherwise alter the Situation of any of the Pipes, Stopcocks, Plugs, or Branches which shall be laid down for the Purposes aforesaid, the said Company, or Person or Persons, shall at their own Expence, within Seven Days next after being required so to do, by Notice in Writing to them given by the said Commissioners, Surveyors, or other Person or Persons respectively, raise or sink such Pipes, Stopcocks, Plugs, or Branches, according to such Notice; and in default thereof it shall be lawful for the said Commissioners, Surveyors, or other Person or Persons aforesaid, to cause such Pipes, Cocks, Plugs, or Branches to be raised or sunk, and the reasonable Costs and Charges of doing the same shall immediately thereafter be paid by the said Body Politic or Corporate, or Person or Persons as aforesaid; and if the same be not paid within Ten Days next after Demand shall be made by the said Commissioners, Surveyors, or other Person or Persons as aforesaid, by Writing left at the Office of the said Body Politic or Corporate, or Person or Persons as aforesaid, 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 reasonable Costs and Charges shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Body Politic or Corporate, or Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, which Warrant such Justice or Justices is and are hereby empowered to grant; and such Costs and Charges shall be paid to the said Commissioners, Surveyors, or other Person or Persons aforesaid.

Damage to  
be made  
good.

XXXVII. Provided always, and be it further enacted, That if by the raising, sinking, or altering any of the said Pipes, Cocks, Plugs, or Branches, any Damage or Injury shall be done to the same by the said Commissioners, Surveyors, or their Servants, or such other Person or Persons aforesaid, then and in every such Case such Damage or Injury shall be made good to the said Body Politic or Corporate, or Person or Persons who shall receive such Damage or Injury, as soon as Circumstances

stances will permit, and the Costs, Charges, and Expences thereof shall be paid to them on Demand, by the said Commissioners, or Surveyors, or other Person or Persons aforesaid, and recovered in the same Manner as any Penalty hereby inflicted, not specially provided for, is to be recovered.

XXXVIII. And be it further enacted, That if the said Commissioners, or any Body Politic or Corporate, or any Person or Persons whatsoever, 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 making, furnishing, or supplying any Gas used, burnt, or consumed for lighting any Highway, Street, or Place, or any House, Building, Manufactory, or other Premises within the said Town, into any River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating with any of them, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any of them, whereby the Water contained therein, or any Part thereof, shall or may be soiled, fouled, or corrupted, then and in every such Case the said Commissioners, or Body Politic or Corporate, or Person or Persons whatsoever, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Impar lance shall be allowed, and such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months after the Time when such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased; provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall or shall not be sued for or 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 Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Springhead, or into any Drain, Sewer, or Ditch communicating with any of them, or any such Annoyance, Nuisance, or Injury, Damage, Act, or Thing shall be done, or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever to the said Commissioners, or to the Body Politic or Corporate, or Person or Persons whatsoever, and the said Commissioners, or Body Politic or Corporate, or Person or Persons whatsoever, shall not, within Twenty-four Hours after such Notice given, stop and prevent all and every such Washings, waste Liquids, noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, or Body Politic or Corporate, or Person or Persons whatsoever so offending, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome

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

or

or offensive Liquids, Substances, or Things shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Nuisance, Injury or Damage, Act or Thing, shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage, by any such Act so done or committed.

Nothing in this Act to prevent the Commissioners, &c. from being indicted for a Nuisance.

XXXIX. And be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any Person or Persons from proceeding against the said Commissioners, or any Body Politic or Corporate, or any Person or Persons whatsoever, making, furnishing, or supplying any Gas used, burnt, or consumed for lighting any Highway, Street, or Place, or any House, Building, Manufactory, or other Premises within the said Town, or against any of his, her, or their Officers, Servants, or Workmen, in respect of any Works of the said Commissioners, or any Body Politic or Corporate, or any Person or Persons whatsoever as aforesaid, as a public or private Nuisance, or from bringing any Action against the said Commissioners, or any Body Politic or Corporate, or any Person or Persons whatsoever, or any of his, her, or their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works, or the Method of lighting, whether such Injury shall proceed from the Nature of such Method of lighting, or the Carelessness or Want of Skill of the Persons employed therein.

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

XL. And be it further enacted, That no Person shall lay any Pipe to communicate with any Pipe belonging to the said Commissioners, or any Body Politic or Corporate, or Person or Persons whomsoever, nor fit or alter any of the Fittings of any Pipes or Lamps belonging to the said Commissioners, or any Body Politic or Corporate, or Person or Persons whomsoever, without the Consent of the said Commissioners, or Body Politic or Corporate, or Person or Persons as aforesaid, in Writing first had and obtained, nor use Burners of larger Dimensions, or in any other Manner than he, she, or they shall contract to pay for, or supply any Inhabitant or other Person with any Part of such Gas, on pain of forfeiting and paying to the said Commissioners, or Body Politic or Corporate, or Person or Persons as aforesaid, the Sum of Twenty Shillings *per* Day for every Day such Pipe shall so remain, or such Excess be so committed, or such Supply furnished, to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the said Borough of *Abingdon*, and which Warrant such Justice or Justices is and are hereby empowered and required to grant; and the Surplus, after such Penalty or Forfeiture, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand to the Owner of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Forfeiture shall not forthwith be paid, it shall be lawful for such Justice or Justices to cause such Offender or Offenders to be committed to the Common Gaol of the said Borough, there to remain without Bail or Mainprize for such Time as such Justice or Justices shall direct, not exceeding

exceeding Three Calendar Months, unless such Forfeiture and all reasonable Charges be sooner paid and satisfied.

XLI. And be it further enacted, That if any Person shall wilfully break, throw down, displace, or otherwise destroy or damage any Lamp which shall be erected by Order of the said Commissioners, or which may be erected by any Body Politic or Corporate, or Person or Persons as aforesaid, or by any other Person or Persons, at his, her, or their own Expencc, for the Purpose of lighting any of the said Streets, Lanes, Passages, and Places, or any Post, Iron, Cover, or Furniture thereof, or shall wilfully extinguish the Light or Lights of or in any such Lamp or Lamps, it shall be lawful for any Justice of the Peace for the said Borough, and he is hereby required, upon Complaint to him made by some credible Witness or Witnesses of any such Offence having been committed, to summon before him, or any other Justice of the Peace for the said Borough, the Party or Parties complained of for doing such Damage; and in case of his, her, or their making Default to appear to such Summons (Oath or Affirmation being made that the Party or Parties complained against had been served with such Summons, or that the same had been left at his, her, or their usual Place of Abode, if known,) to issue a Warrant for apprehending the Party or Parties accused; or it shall and may be lawful to and for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, and without any other Warrant, to deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said Borough, and such Justice shall and he is hereby required to proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either on his, her, or their Confession, or upon such Evidence as aforesaid, then and in every such Case he, she, or they shall for every such respective Offence forfeit and pay any Sum not exceeding Five Pounds, and shall, in addition to the Payment of such Penalty, make a full Satisfaction (to be ascertained by such Justice) to the said Commissioners, or Body Politic or Corporate, or Person or Persons as aforesaid injured, for the Damage so done; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty, and make such Satisfaction as aforesaid, such Justice is hereby authorized and required to commit such Offender or Offenders to the Common Gaol of the said Borough, there to be kept to hard Labour for any Time not exceeding Six Calendar Months, unless such Penalty and Satisfaction shall be sooner paid.

Penalty for  
wilfully  
breaking  
Lamps.

XLII. And be it further enacted, That if any Person shall carelessly, negligently, or accidentally break, throw down, or otherwise destroy or damage any Mains or Pipes, Posts, Pillars, Pilasters, Lamps, or Lamp Irons respectively, and shall not upon Demand make Satisfaction for the Damages done, then and in every such Case it shall be lawful for any Justice of the Peace for the said Borough, and he is hereby required upon Complaint thereof made, to summon before him the Party or Parties so complained of, and upon his, her, or their appearing, or making Default to appear, (Oath or Affirmation being made that the Party complained

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

[Local.]

64 E

plained

plained against had been served with such Summons, or that the same had been left at his, her, or their usual Dwelling or Place of Abode, if known,) such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either by Confession of the Party or by the Oath or Affirmation of any credible Witness, shall award and order such Satisfaction to be made by the Party or Parties complained against for the Damages so done as aforesaid, as to such Justice shall appear just and reasonable; and in case the Sum so awarded shall not be paid forthwith, it shall be lawful for such Justice and he is hereby required to cause the same to be levied and recovered in such and the same Manner as any Fine or Penalty is by this Act directed to be levied and recovered.

Streets to be  
watched;

Watchmen  
appointed,  
&c.

XLIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered from Time to Time to cause the said Streets, Lanes, Passages, and Places within the said Borough, or such of them as they shall think fit, to be safely and properly watched, and for that Purpose to appoint such Number of able-bodied Men as they shall judge proper, to be employed as Watchmen or as a Patrol, 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 Patrol, and for the safe Custody of such Persons as may be apprehended by such Watchmen or Patrol whilst on Duty, and to pay such Watchmen or Patrol whilst on Duty reasonable Wages or Allowances; and also to impose from Time to Time any Fine not exceeding Forty Shillings on any Watchman or Patrolman for every Neglect or Misbehaviour, (such Fine to be deducted out of the Wages of such Watchman or Patrolman,) or to discharge such Watchmen or Patrolmen, and from Time to Time to make such Orders and Regulations as they the said Commissioners shall deem expedient, for the better Government of the Watchmen or Patrolmen to be so appointed as aforesaid, and to give and allow, out of the Monies to be raised by virtue of this Act, such Reward or Allowance as they shall think fit to any Watchman or Patrolman and others, who may be wounded or disabled in the Execution of his or their Office or Duty.

Duty of  
Watchmen.

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

Watchmen  
vested with  
the Powers  
of Con-  
stables.

XLV. And be it further enacted, That all Watchmen or Patrolmen shall be sworn in as Constables before some Justice of the Peace for the said Borough, who is hereby required to swear them in accordingly; and such Watchmen or Patrolmen shall 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 by Law.

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

Penalty on  
Persons  
harbouring  
Watchmen.

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

Commission-  
ers to direct  
Streets to be  
cleansed.

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 to contract and agree with any Body Politic or Corporate, or Person or Persons whatsoever they may think proper, for the paving, flagging, widening, altering, amending, and improving of the Carriageways and Footpaths, and for lighting, cleansing, and watering the said Streets, Lanes, Passages, and Places within the Limits of this Act, and for furnishing Materials, and doing and performing all other Matters and Things necessary for completing any of the Works hereby authorized; which Contract or Contracts so to be entered into shall be reduced into Writing, and be signed by the said Commissioners or any Five or more of them, and also by the Body Politic or Corporate, or Person or Persons contracting to perform such Works respectively; which said Contract or Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when such Works shall be done, performed, and completed, and the Penalties to be suffered in case of Nonperformance thereof; and such Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk of the said Commissioners: Provided always, that Seven Days Notice at least shall be given previous to the Meeting for entering into such Contract, by Writing to be affixed on the several Church Doors and Places as aforesaid, or in such other Manner as the said Commissioners shall direct, in which Notice shall be specified the Works and Business to be contracted for at such Meeting, to the End that Persons may tender Proposals for such Contracts at a certain Time and Place in such Notice to be mentioned; and the said Commissioners shall and they are hereby required to take Security from every such Contractor for the due Performance of his, her, or their Contract; and it shall be also lawful for the said Commissioners, and they are hereby also directed, to cause the Works to be done in pursuance of such Contracts to be inspected by their

Commission-  
ers may  
contract for  
lighting,  
paving, &c.

their Surveyor or Surveyors, or by such other Person or Persons as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed, according to the true Intent and Meaning of such Contract or Contracts, or shall not be done and completed at or within the Time or Times and at such Times as shall be by such Contract or Contracts limited for doing and completing the same, the said Commissioners shall and may bring or cause to be brought any Action or Actions at Law, or Suit or Suits in Equity, against the Body Politic or Corporate, or Person or Persons so contracting and neglecting to perform such Contract or Contracts, or for any Injury suffered or sustained on account of the Nonperformance thereof; and upon proving the signing of the said Contract or Contracts, and Nonperformance thereof, the said Commissioners shall be entitled to and shall recover such Penalty or Damage as may be awarded, with full Costs of Suit.

Com-  
missioners may  
compound  
with Persons  
failing to  
perform  
Contracts.

XLIX. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners from Time to Time and at all Times hereafter to compound and agree with any Body Politic or Corporate, or Person or Persons against whom the said Commissioners shall bring or cause to be brought any Action or Suit for any Penalty incurred in any Contract hereafter to be made or entered into in pursuance of this Act, on account of any Breach or Nonperformance of any such Contract, for such Sum or Sums of Money as they shall think proper, so as the Sums compounded and agreed for be not less than the Injury sustained by the Breach or Nonperformance of such Contract, and the Costs, Charges, and Expences which shall have been or which may be occasioned thereby: Provided always, that the said Commissioners, or their respective Estates, shall not be liable, in their individual or personal Capacity, to any Loss, Damage, or Prejudice by reason of their signing any such Contract.

Com-  
missioners or  
Surveyor  
empowered  
to get  
Materials.

L. And be it further enacted, That the said Commissioners or their Surveyor, or such other Person or Persons as they or their Surveyor shall employ and appoint, having an Order in Writing under the Hands of the said Commissioners for that Purpose, may and is and are hereby authorized and empowered to search for, dig, cut, gather, take, and carry away any Stone, Gravel, Sand, and other Materials fit and proper for the raising, repairing, paving, covering the Pavement, and pitching the Footways and Gutters, Watercourses, Drains, or Sewers of or in any of the said Streets, Lanes, Passages, and Places, or which they shall judge otherwise necessary or proper to be used in or about the same, or for any other Purposes of this Act, out of or from and over the Lands and Grounds of any Person or Persons situate, lying, and being in the Parishes of *Saint Helen* and *Saint Nicholas*, or either of them, within or without the Borough of *Abingdon* aforesaid (not being a Yard, Garden, Orchard, Park, Paddock, enclosed Pasture Ground, Avenue to a House, or Nursery for Trees), where the same may or are likely to be found and had; and such Surveyor or other Person or Persons shall without Delay fill up the Pits and level the Ground, or slope down the Banks where such Materials shall be taken, or rail or fence off such Pits, so that the same may not remain in a dangerous State; and the said Surveyor or other Person or Persons aforesaid shall also pay or render to the respective Owners and Occupiers of such Lands and Grounds a sufficient  
Compensation



Compensation for the Damage or Injury to be done or occasioned to them by the digging, taking, and carrying away of such Materials as aforesaid; and in case any Difference shall arise between the said Commissioners, or the said Surveyor, or other Person or Persons appointed as aforesaid, and the said Owners or Occupiers, touching the Sufficiency of any such Compensation, or the Amount or Extent of any such Damage or Injury, any Two Justices of the Peace for the said County of *Berks*, on Ten Days Notice thereof being given in Writing by either Party to the other, shall in a summary Way hear, settle, and determine the Matter in dispute between them, and the Judgment or Order of the said Justices therein shall be final and conclusive to all Parties.

LI. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor, or any other Person or Persons acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for the Purposes of this Act, out of or from any inclosed Land or Ground, until Notice in Writing, signed by the Surveyor, shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his or her known Agent, or to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Occupier, to appear before any Two or more Justices of the Peace acting for the County, Liberty, or Place where the Lands from whence such Materials are intended to be taken shall lie, to shew Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, the said Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer) make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent, had attended.

Notice to be given before Materials are taken from private Lands.

LII. And be it further enacted, That the said Commissioners shall have full Power and Authority to cause to be dug, carted, and carried out of or brought into the said Streets, Lanes, Passages, and Places, or any of them, such Gravel, Stones, and other Materials, and employ such Artificers, Workmen, Labourers, Carters, and others, and to do all and every such other Acts and Things as the said Commissioners shall judge necessary or proper for accomplishing the Ends and Designs of this Act.

Commissioners may carry out or bring in Materials, and employ Workmen, &c.

LIII. And be it further enacted, That if any Person or Persons shall at any Time obstruct, hinder, or molest any Surveyor or other Officer, Workman, or other Person whatsoever employed by virtue of this Act, in the Performance or Execution of his Duty, every Person so offending shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Penalty for obstructing the Surveyor or Workmen.

Obligations  
by Custom or  
Prescription  
to repair  
Footways  
abolished.

LIV. And be it further enacted, That all Obligations by Custom or Prescription upon the particular Inhabitants of Houses and other Premises within the said Town, to repair and amend the common public Footways before their respective Houses and Premises in the said Town, when and as often as the same shall be necessary, shall from and after the passing of this Act cease and be void.

Scavenger's  
Duty.

LV. And be it further enacted, That the Scavenger, or Person or Persons contracting for cleansing the said Streets, Lanes, Passages, and Places, shall once in every Week, or oftener if the said Commissioners shall so direct, and on such Days as they shall appoint, bring or cause to be brought some proper Cart or other Carriage into all the said Streets, Lanes, Passages, and Places where such Cart or Carriage can pass, and shall, at or before his or their Approach, by Sound of Bell or otherwise, give Notice to the Inhabitants of his or their coming, and give the like Notice in every Place in which such Cart or Carriage cannot pass, and shall abide and stay a convenient Time in or near the said Places respectively, to the Intent that all Persons concerned may bring forth their Dirt, Dust, Ashes, and Filth (except any Filth from any Privy or Necessary House) to the Doors of their respective Houses and Premises, or if required, the said Scavenger, or Person or Persons so contracting, or his or their Servants or Agents, shall enter the House or other Premises of any Person or Persons within the said Town, and fetch and carry away their Dirt, Dust, Ashes, and Filth (except as aforesaid), and take and put the same into such Cart or Carriage, and shall also sweep, cleanse, and carry away, or cause to be swept, cleansed, and carried away, the Dirt and Soil arising in or upon the said Streets, Lanes, Passages, and Places, upon pain of forfeiting Ten Shillings for every Offence or Neglect therein; and every Person or Persons acting as Scavenger or Scavengers for the Time being shall cause the Words "Scavenger's Cart" to be painted in large Roman Letters in the Front or other conspicuous Part of every such Cart or Carriage.

No Person  
to carry  
away Ashes,  
&c. but the  
Scavenger or  
Contractor.

LVI. And be it further enacted, That no Person or Persons shall take or carry away, or cause to be taken or carried away, any Ashes, Dust, Dirt, Muck, or Manure out of the said Streets, Lanes, Passages, or other public Places, other than the Scavenger or other Person or Persons contracting or to be appointed for such Purpose by the said Commissioners, upon pain of forfeiting the Sum of Ten Shillings for every such Offence; but in case the said Commissioners, or the Person or Persons appointed by them, shall not remove or take away any such Ashes, Dust, Dirt, Muck, or Manure within the Space of Three Days after the same shall be swept or collected together, then the Person or Persons before whose House and Premises the same shall be placed, or any other Inhabitant Housekeeper, shall and may cause the same to be removed and taken away, and apply the same for his or her own Use and Benefit.

Reserving a  
Right to the  
Inhabitants  
to dispose of  
their Ashes,  
&c.

LVII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any of the Inhabitants of the said Town from preserving and keeping any Ashes, Dust, Dirt, Filth, Soil, Dung, or Rubbish within their own respective Houses, Yards, Gardens, or Premises, and disposing of the same for their own Use, so as such Ashes, Dust, Dirt, Filth, Soil, Dung, or Rubbish be

not laid down or placed in any or either of the said Streets, Lanes, Passages, or Places for any longer Time than shall be necessary for the loading and carrying away the same, or suffered to annoy any of the Inhabitants of the said Town; but in case the Person or Persons so reserving such Ashes, Dust, Dirt, Filth, Soil, Dung, or Rubbish, shall thereby annoy any of the said Inhabitants, and shall not remove the same within the Space of Two Days after Notice in Writing under the Hands of the said Commissioners or any Five or more of them, or of their Clerk, given to him, her, or them, or left at his, her, or their Dwelling House, to remove the same, such Person or Persons shall forfeit and pay any Sum not exceeding Ten Shillings for every Day such Annoyance shall be permitted to remain next after such Notice given or left as aforesaid.

LVIII. Provided also, and be it further enacted, That no Person shall be subject to any Penalty by virtue of this Act on account of any Rubbish or Dirt in any Street, Lane, Passage, or Place before the House or Tenement of such Person, occasioned by the building or pulling down or repairing any such House or Tenement, so as there be convenient Room left for Carriages to pass and repass, and a sufficient Way kept clean for Foot Passengers by the Person or Persons laying or occasioning such Rubbish or Dirt to be laid, and so as the Owner or Occupier of such House or Tenement before which such Rubbish or Dirt shall be, shall cause the same to be removed out of the said Street, Lane, Passage, or Place at his or her own Costs and Charges, within a reasonable Time after such House or Tenement building, pulling down, or repairing shall be completed, or upon Notice to be given to him or her, or left at such House or Tenement for that Purpose in Writing, signed by the said Commissioners or any Three or more of them, although not assembled at a Meeting, and so as that whilst the same shall be lying in the said Street, Lane, Passage, or Place, such Owner or Occupier shall set up and maintain a sufficient Light upon or against the same during the Night-time, to prevent any Mischief happening to Passengers, Carriages, or Cattle.

Penalty not to extend to Rubbish occasioned by building, &c.

LIX. Provided also, and be it further enacted, That the Scavenger, or Person or Persons appointed or contracting to cleanse the said Streets, Lanes, Passages, and Places, or any Part or Parts thereof, or any other Person or Persons, shall have liberty, by the Approbation and Order of the said Commissioners, to lodge any Dirt, Dust, Ashes, or other Filth in such vacant or public Places in or near the said Streets, Lanes, Passages, and other Places as shall be thought proper and convenient by the said Commissioners; the said Commissioners, Scavenger, or Person or Persons so appointed or contracting, giving such Satisfaction to the respective Owners of such vacant Places as the said Commissioners shall agree for with the said Owners; and all such Dirt, Dust, Ashes, and Filth, when so lodged, shall be at the Disposal of the said Scavenger, or Person or Persons so appointed or contracting, and of no other Person, unless by the Order of the said Commissioners.

Scavenger or other Person may lodge Dirt, &c. in such Places as Commissioners shall think proper.

LX. And be it further enacted, That it shall be lawful for the respective Occupiers of Houses or other Buildings or Tenements, with their Appurtenances, within the said Borough, and they are hereby required

Inhabitants to sweep Pavements opposite to their Houses.

to cause to be well and sufficiently swept and cleansed the Footways and Foot Pavements before, behind, and at the Sides of their respective Houses or other Buildings (as the Situation thereof shall require) on *Tuesday* and *Friday* in each and every Week, or oftener, if the said Commissioners shall by Notice left at the usual Residence of such Occupier, or by Notice given by the Public Crier of the said Borough, require the same to be done, and in default thereof such Occupier shall for every such Offence forfeit and pay to the said Commissioners any Sum not exceeding Forty Shillings.

Dirt not to be swept into Channels.

LXI. And be it further enacted, That in case any Person shall sweep, rake, or place, or cause to be swept, raked, or placed, any of the Mud, Dirt, Dust, Rubbish, Filth, or Soil in the said Roads, Streets, Lanes, and Places within the Jurisdiction of the said Commissioners, or brought therein, to, into, or upon the Channels on the Sides of the said Roads, Streets, Lanes, and public Places, every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings.

Commissioners may compound for sweeping before Houses.

LXII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, as they shall think proper, to compound with any of the Inhabitants of any Street, Lane, public Passage or Place within the said Town, by the Year, for such Sum or Sums of Money as they shall think proper, for the sweeping or cleansing to be done by such Inhabitants respectively before their respective Houses or Tenements by virtue of this Act.

For preventing various Nuisances, Annoyances, and Obstructions.

LXIII. And be it further enacted, That from and after the passing of this Act, if any Person or Persons shall, upon any of the Footways or Foot Pavements within the said Borough, run, draw, drive, or carry thereon any Truck, Wheelsledge, Wheelbarrow, Handbarrow, Bier, or Carriage whatsoever; or roll any Cask or Tub, other than for the necessary loading or unloading thereof into, upon, from, or out of any Carriage or Cart; or wilfully ride, lead, or drive any Horse or other Beast or Cattle whatever on any of the said Footways or Foot Pavements, or wilfully permit or suffer any Horse or other Beast or Cattle which such Person may be riding, driving, or leading to go thereon; or shall tie or fasten any Horse or other Cattle to any House, Wall, Fence, Post, Tree, or other Thing whatsoever across any of the said Footways or Foot Pavements; or set any Cask, Tub, Pail, Bucket, Stool, Bench, or Stall on or in the said Footways or Foot Pavements; or erect, set up, put, or place any Blind, Shade, Coverlid, or Awning, or any other Matter or Thing, so as in any way to cause any Obstruction or Impediment in the Footways or on the Foot Pavements; or shall in any Street, Lane, Highway, Passage, or Place within the said Borough, hoop, fire, cleanse, wash, or scald any Cask or Tub, or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber, or make or repair, or wash or clean any Coach, Chaise, Waggon, Sledge, or other Carriage, or the Wheel, Body, Springs, or other Part of any Coach, Chaise, Waggon, Sledge, or other Carriage (except such as may want immediate Repair from any sudden Accident on the Spot, and which cannot conveniently be removed for that Purpose); or wet, slack, or mix any Lime; or wet, mix, or make any Mortar; or shoe, bleed, or farry any Horse or other Beast (unless in case of sudden Accident); or clean, dress, drive, or turn loose any Horse or other

other Beast or Cattle, or shew or expose any Stallion or Stone Horse (except only in such Place as the said Commissioners shall direct); or kill or slaughter, or scald, singe, dress, or cut up any Animal, either wholly or in part; or cause or permit any Blood to run from any Slaughter House, Butcher's Shop or Shamble, into the Streets or any of them; or shall hang up, place, or expose to Sale, or cause or permit to be hanged up, placed, or exposed to Sale, any Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butchers Meat, or other Matter or Thing, in or upon, or so as to project over or upon the Footway of any such Streets, Lanes, Highways, Passages, or Places, or beyond the Line of the House, or on the Outside thereof, or of the Window or Windows of the House, Shop, or Place at which the same shall be so hanged up, placed, or exposed to Sale, so as to obstruct or incommode the Passage of any Person or Carriage; or leave open after Sunset the Door or Window of any Cellar or other underground Room or Apartment, without having placed or left a sufficient Light therein to warn and prevent Persons passing in the Streets, Lanes, Passages, and Places of the said Borough from falling into such Cellars or other underground Rooms or Apartments; or bait or cause to be baited any Bull or other Animal; or throw at any Cock or Fowl in the Manner called Cock-throwing, or set up any Cock or Fowl to be thrown at in such Manner, in any Place or Places within the said Borough; or play at Football, or at any other Game, to the Annoyance of any Inhabitant or Passenger; or shall bathe in any River, Brook, or Water within the said Borough after Six of the Clock in the Morning; or dress or undress on such Banks of any such River, Brook, or Water as are within the said Borough, or on the Banks opposite thereto, so as to expose his or their Person or Persons; or shall, within the Limits aforesaid, indecently expose his or their Person or Persons, to the Annoyance of any Passenger or Passengers, Inhabitant or Inhabitants; or shall wilfully break, aid, or abet, or assist in wilfully breaking any Glass or Window Panes or Windows in or belonging to any Dwelling House or Building; or if any Blacksmith or other Person occupying a Blacksmith's Shop near any Street, Lane, Highway, Passage, or Place, and having a Window or Windows fronting the same, shall not, by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Street, Lane, Highway, Passage, or Place; or cause, make, or assist in making any Bonfire, or wantonly discharge or fire any Gun, Pistol, or Blunderbuss, or other Fire-arms, or let off, set fire to, or throw any Cracker, Squib, Rocket, or other Firework, or shall occasion any other Kind of Obstruction or Annoyance in or upon any such Street, Lane, Passage, or Place; or shall obstruct or incommode, hinder or prevent the free Passage of any Footway or Pavements, or prejudice or annoy, in any Manner whatsoever, any Person or Persons travelling, passing, or going thereon within the said Town; then and in every such Case every Person so offending shall forfeit and pay for each and every Offence any Sum not exceeding Five Pounds; and it shall be lawful for any Constable or other Peace Officer, or any One of the said Commissioners, or any Officer or other Person acting by or under their Authority, by virtue of this Act, and without any Warrant whatsoever, to seize and apprehend any such Offender or Offenders as aforesaid, and forthwith to convey him, her, or them before some Justice or Justices of the Peace, in order to his, her, or their Conviction of such

[Local.]

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Offence:

Offence: Provided nevertheless, that nothing herein contained shall extend or be construed to extend so as to prevent or hinder any Person or Persons from selling or exposing to Sale any Horse (except Stallions), Beast, Cattle, Sheep, or Swine, or placing any Stall, Booth, Stool, Bench, or Form for the Sale of Goods or Wares, or from exposing to Sale any Meat, Poultry, Vegetables, Fruit, or any other Matter or Thing, in any Market Place or other usual Place within the said Borough, or in the usual Place of holding the Annual Fairs, on the usual Days of such Market or Fairs.

Obstructions, &c. not to be left in Streets.

LXIV. And be it further enacted, That if, after the passing of this Act, any Waggon, Cart, Dray, or other Carriage shall be left to stand or remain in or upon any Street, Lane, Highway, Passage, or Place within the said Borough, with or without Horses or other Cattle, for any Time longer than shall be necessary for unloading or loading thereof (except on Market Days or Fair Days, and then in such Places only, and under and subject to such Orders, Rules, and Regulations as the said Commissioners shall from Time to Time appoint, make, establish, and direct); or if any Timber, Bricks, Lime, Stones, Slates, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Goods, Wares, or Merchandize, or other Materials or Things whatsoever, shall be laid or placed, or left to remain in or upon any of the said Streets, Lanes, Highways, public Passages or Places, or on the Sides thereof, for any longer Time than shall be necessary for moving or housing the same; or if any Glass or Earthenware, Ashes (save and except Ashes or other Matter for the Purpose of preventing Passengers from slipping in the Time of Frost), Rubbish, Dust, Dirt, Dung, Filth, Water, or any other Nuisance or Annoyance whatsoever, shall be wilfully thrown or cast into, or laid in or upon any of the said Streets, Lanes, Highways, public Passages or Places; then and in every such Case the Owner or Driver of every such Waggon, Cart, Dray, or other Carriage, and the Owner of any such Timber, Bricks, Lime, Goods, Wares, or Merchandize, Materials, or other Things, which shall be so left or suffered to remain in or upon any of the said Streets, Lanes, Highways, Passages, or Places, and the Person or Persons who shall wilfully throw, cast, or lay, or cause to be thrown, cast, or laid, or from whose House shall be wilfully thrown, cast, or laid, any Glass or Earthenware, Ashes (save and except as aforesaid), Rubbish, Dust, Dirt, Dung, Filth, Water, or any other Nuisance or Annoyance, into or upon any of the said Streets, Lanes, Highways, Passages, or Places, shall for every Offence, for any One of the Cases aforesaid, forfeit and pay any Sum not exceeding Forty Shillings.

Drivers of Carriages punishable for Misbehaviour.

LXV. And be it further enacted, That if any Driver of any Cart, Car, Dray, or Waggon shall ride upon any such Carriage in any Street, Lane, Highway, Passage, or Place within the said Borough, not having some other Person on Foot or on Horseback to guide the same (such Carriages as are usually conducted by some Person holding the Rein of the Horse or Horses drawing the same excepted); or if the Driver of any Stage Coach or other Carriage whatsoever shall in any such Street, Lane, Highway, Passage, or Place, by Negligence or wilful Misbehaviour, cause any Hurt or Damage to any Person or Carriage passing, or shall wilfully be at such Distance from such Carriage or Coach whilst it shall be passing in any such Street, Lane, Highway, Passage, or Place, that he

cannot have the Direction and Government of the Horse or Horses or other Cattle drawing the same; or shall by Negligence or wilful Misbehaviour prevent, hinder, or interrupt the free Passage of any other Carriage, or any of His Majesty's Subjects, in any such Street, Lane, Highway, Passage, or Place; or if the Driver of any empty or unloaded Waggon, Cart, or other Carriage shall refuse or neglect to turn aside and make way for any Coach, Chariot, Chaise, loaded Waggon, Cart, or other loaded Carriage, then and in every such Case every such Driver so offending, and being convicted of any such Offence, either by his own Confession, the View of a Justice of the Peace, or by the Oath of One or more credible Witness or Witnesses before any Justice of the Peace, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, in case the Driver shall not be the Owner of the said Carriage; and in case such Driver be the Owner of such Carriage, then any Sum not exceeding Forty Shillings; and every such Driver offending in any of the said Cases shall and may, by Authority of this Act, with or without any Warrant, be apprehended by any Person or Persons who shall see such Offence committed, and it shall be lawful for the Person or Persons so apprehending such Driver to convey such Driver, or cause him to be conveyed or delivered to a Constable or other Peace Officer, in order to be conveyed before some Justice of the Peace, to be dealt with according to Law; and if such Driver in any of the Cases aforesaid shall refuse to disclose his Name, it shall be lawful for the Justice of the Peace before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to any House of Correction for the said County for any Time not exceeding Three Calendar Months, or to proceed against any such Offender for the Penalty aforesaid, by a Description of his Person and the Offence, and expressing in such Proceedings that the said Driver refused to disclose his Name.

LXVI. And be it further enacted, That if any Person or Persons shall at any Time or Times cause any Privy or Privies or Necessary House within the said Town to be emptied, except between the Hours of Eleven of the Clock in the Night and Four of the Clock in the Morning, or shall lay or cause to be laid the Soil thereof in any other Place within the said Streets, Lanes, or other public Passages or Places than shall be appointed for that Purpose by the said Commissioners, or shall wilfully or negligently spill or throw down any such Soil, in any of the said Streets, Lanes, Passages, or Places, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

LXVII. And be it further enacted, That no Bulk, Bow Window, or projecting Window, on the Ground Floor shall hereafter be erected, or made in any Part of the Streets, Lanes, or other public Passages or Places in the said Town which shall be within One Foot of the Pavement; and the said Commissioners are empowered to take down any Bulk, Bow Window, or projecting Window on the Ground Floor which shall be hereafter erected, or made contrary to the Intent of this Act, and their Treasurer shall recover the Charges and Expences attending the same of the Occupier of the Premises in question, in the same Manner as Damages, Costs, and Charges are herein-after directed to be recovered.

Regulations  
for emptying  
Privies.

No future  
Bulk, &c. to  
be erected  
within One  
Foot of the  
Pavement.

LXVIII. And

Power to  
make or alter  
Gutters, &c.

LXVIII. And be it further enacted, That for facilitating the Execution of this Act, the said Commissioners, or their Surveyor for the Time being, shall have Power and Authority to alter, raise, sink, stop up, discontinue, or regulate any of the private Gutters leading from any of the Houses or Premises in the said Town into any of the Sewers, Drains, Streets, Lanes, Passages, or Places aforesaid, or near or adjoining thereto, and any of the public Gutters and Watercourses in, about, or under the said Streets, Lanes, Passages, or Places, or any of them, or near or adjoining the same; and also to make and maintain any new or other Gutters, Watercourses, or Soughs, as well upon as under the Surface of the said Streets, Lanes, Passages, or Places, for the Purpose of conveying and removing Water and Filth therefrom, and preventing any Overflow or Return thereof, at the Costs and Expence of the Owners or Occupiers of Property lying within or adjoining or near to such Streets, Lanes, Passages, or Places; and in case any of such Owners or Occupiers shall refuse or neglect, for the Space of Seven Days next after Demand made by the Surveyor to the said Commissioners, either personally, or by Writing to be left at the usual Place of Abode of such Owner or Occupier, to pay such Costs and Expences, the same shall and may be recovered and applied in the same Manner as Penalties under this Act are herein-after directed to be recovered and applied.

For Protec-  
tion of Foot-  
ways during  
Fairs and  
Markets.

LXIX. And be it further enacted, That for the Protection of the said Footways at such Times as Fairs and Markets shall be holden or kept within the said Town, it shall be lawful for the said Commissioners, or the Surveyor, Scavenger, or any other Person employed by them, to place, set up, and maintain any temporary Posts and Rails, Bars, Chains, or Cords, for the Purpose of defending and preserving the said Footways or any of them, from all Annoyance and Damage by Horses, Cows, Sheep, Pigs, or other Cattle, during the respective Times of holding or keeping such Fairs and Markets, or any of them.

Commis-  
sioners not  
to have the  
Power to  
alter the  
Places used  
for Fairs and  
Markets.

LXX. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable or empower the said Commissioners or any of them, or their Surveyor, Scavenger, or other Person acting under them, to alter or change all or any of the Places of keeping or holding the Fairs and Markets allowed or appointed by Charter, Custom, or otherwise, within the said Town.

Power to  
purchase  
Buildings for  
the Purpose  
of widening  
Streets.

LXXI. And in order to the widening or otherwise improving of such of the Streets, Lanes, and Passages as by the said Commissioners are or may be judged or found to be too narrow or inconvenient for the safe and commodious Passage of Travellers and Carriages; be it further enacted, That it shall be lawful for the said Commissioners, if they think fit, to contract and agree with the several Owners of and Persons interested in any Houses or other Buildings and Lands which the said Commissioners may think necessary or proper for the Purposes aforesaid, for the absolute Purchase thereof; and it shall be lawful for all Bodies Politic or Corporate, Tenants for Life, and in Fee Tail General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees, or other Trustees, not only for and on behalf of themselves, their Heirs and Successors, but also for and on the behalf of their Cestuique Trusts, whether



whether Infants, Issue unborn, Lunatics, or Idiots, and for all Femes Covert, and other Persons, who are or shall be seised, possessed of, or interested in any Houses, Buildings, or Lands, to contract with and sell to the said Commissioners, and to convey to such Person or Persons, and his or their Heirs, as the said Commissioners shall direct and appoint, in Trust, to be made use of for the Purposes of this Act, the several Houses and other Buildings and Lands, or any Part thereof, and the Fee Simple and Inheritance thereof, and all their respective Estates and Interests therein; and every such Contract, Agreement, Sale, and Conveyance shall, without any Fine or Common Recovery, be good, valid, and effectual to all Intents and Purposes, any Law, Usage, or other Matter or Thing to the contrary notwithstanding; and all such Bodies Politic and Corporate, Tenants for Life, and in Fee Tail General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees and other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

LXXII. And whereas it may happen that for the Purposes of this Act it may be necessary only to purchase Part of Messuages or Tenements, Yards, Gardens, and Buildings, and not the whole thereof, by which Means the remaining Part of such Houses, Buildings, Yards, or Gardens may be or become materially injured and deteriorated in Value; be it therefore further enacted, That in any such Cases, if the Owner or Proprietor, or Owners or Proprietors of such Premises so to be purchased, shall give the said Commissioners, or their Clerk or Treasurer, Notice in Writing that he, she, or they is or are desirous to sell the whole of such Premises for the Reasons aforesaid, then and in such Case the said Commissioners shall and are hereby required to purchase the whole thereof pursuant to such Notice; and it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, again to sell or dispose of, and convey by Lease and Release, or Bargain and Sale enrolled, or cause to be sold or disposed of, and conveyed as aforesaid, such Part or Parts of the said Houses, Buildings, Yards, or Gardens which may be more than may be necessary for the Purposes of this Act, and the Fee Simple and Inheritance thereof, to any Person or Persons whomsoever willing to contract and agree for and purchase the same, and the Money arising therefrom shall be paid and applied for the Purposes of this Act.

Commissioners obliged to buy the whole of Premises when required.

LXXIII. And be it further enacted, That it shall be lawful for the said Commissioners to cause all and every the Houses and other Buildings which shall at any Time be purchased or taken for the Purposes of this Act to be taken down, and to cause so much of the Sites thereof, and of any other Land to be purchased or taken for the Purposes of this Act, to be added to or laid into the Streets or other public Passages or Places in the said Town, and to cause the same to be paved, pitched, and made passable; and the Land so added to or laid into the respective Streets or other public Passages or Places aforesaid shall for ever afterwards be deemed Part thereof, and the same shall be used as common public Highways, and from Time to Time thereafter be repaired as other Highways within the said Borough are or are to be repaired.

Power to take down the purchased Houses, and lay the Sites into the public Streets.

Application  
of Compensation  
Money  
when ex-  
ceeding 200*l*.

1 G. 4. c. 35.

LXXIV. And be it further enacted, That if any Money shall be paid or agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic or Corporate, 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 Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Order can be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities, or Government or Real Securities, shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by the Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

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

Application of Compensation Money when less than 200*l.* and not less than 20*l.*

LXXVI. Provided also, and be it further enacted, That where such Money so agreed to be paid as last herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents 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.

Application of Compensation Money when less than 20*l.*

LXXVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or in case the Person or Persons to whom such Sum or Sums of Money shall be agreed to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners to order the said Sum or Sums of Money so awarded as aforesaid, to

In case of not making out Titles, or Persons entitled not being found, Money to be paid into the Bank.

to be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the said Court of Exchequer, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim 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 and are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank of *England* as aforesaid.

Persons in Possession to be deemed presumptively entitled.

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

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

LXXIX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporations, entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for

for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners out 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.

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

Form of  
Conveyance.

‘ I [or We], in consideration of the Sum of  
 ‘ to me [or us, or into the Bank of England,  
 ‘ as the Case may be]; paid by the Commissioners acting by virtue of an  
 ‘ Act passed in the Sixth Year of the Reign of King George the Fourth,  
 ‘ intituled [here set forth the Title of this Act], do hereby grant and con-  
 ‘ vey to the said Commissioners, all [describe the Premises], and all my  
 ‘ [or our] Right, Title, and Interest to and in the same, and every Part  
 ‘ thereof, to hold to the said Commissioners for ever, for [or such other  
 ‘ Estate and Interest, as the Case may be], to and for the Uses and Pur-  
 ‘ poses of the said Act. In witness whereof I [or we] have hereunto set  
 ‘ my [or our] Hand and Seal [or Hands and Seals], this  
 ‘ Day of in the Year of our Lord

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

LXXXI. And for raising Money for answering and defraying the Ex-  
 pences attending the obtaining of this Act, and carrying into Execution  
 the several Purposes thereof, be it further enacted, That it shall be lawful  
 for the said Commissioners, and they are hereby authorized, empowered,  
 and required, when and so often as they shall think necessary, at any  
 Meeting or Meetings to be holden by them, to order and direct a Rate  
 or Rates, Assessment or Assessments, to be made, charged, or levied  
 upon the Tenant or Occupier, Tenants or Occupiers, of all Messuages,  
 Houses, Shops, Workhouses, Workshops, Warehouses, Cellars, Vaults,  
 Manufactories, Founderies, Mills, Works, Stables, Coach Houses, Brew-  
 houses, Malhouses, and other Buildings and Erections already built,  
 erected, or made, or which shall hereafter be built, erected, or made, or  
 situate, standing, and being within the said Town of *Abingdon*, and upon  
 the several Gardens, Curtilages, Yards, and other Conveniences thereto  
 adjoining and belonging, or therewith occupied (except and subject as  
 herein-after is excepted), not exceeding Three Shillings in the Pound in  
 any One Year on the full annual Rent or Value thereof; and such Rate  
 or Rates, Assessment or Assessments, shall be made at any Time after  
 the passing of this Act, and shall be assessed, levied, and raised by such  
 [Local.] 64 I yearly,

Rates.

Annual Rent  
or Value to  
be settled by  
Commis-  
sioners.

yearly, half-yearly, or other Payments as the said Commissioners shall think fit and direct, and shall be paid to and levied and collected by any Person or Persons to be appointed Collector or Collectors by the said Commissioners, and shall when collected be paid to the Treasurer or Treasurers for the Time being to the said Commissioners; such annual Rent or Value to be from Time to Time settled, ascertained, and fixed in such Manner as the said Commissioners shall direct and appoint: Provided always, that no Garden or Land belonging to or occupied with any Dwelling House, or other Premises chargeable to the Rates and Duties imposed by virtue of this Act, shall be valued together with such Dwelling House or Premises to a greater Extent than One Acre, nor more than at the Rate of Five Pounds *per Annum* for such Acre.

What  
Houses shall  
be rated as  
within the  
said Town.

LXXXII. Provided always, and be it further enacted, That no Houses or Premises situated without the Precincts of the said Borough shall be deemed to be within the said Town, or chargeable with any of the Rates and Duties hereby imposed, but all Houses and Buildings already erected or hereafter to be erected within the said Borough shall be deemed and taken to be Part of and within the said Town, for the Purposes of this Act.

For better  
Recovery of  
Rates on  
Houses, &c.  
let at small  
Rents.

LXXXIII. And be it further enacted, That when the yearly Rent or Value of any Houses, Warehouses, or other Buildings or Tenements within the said Town, shall not amount to Six Pounds, or where any Houses, Warehouses, or other Buildings or Tenements, (whatever the yearly Rent or Value thereof may be,) shall be let to any weekly or other Tenants, the Rent whereof shall become payable at any shorter Period than quarterly, or shall be let out either in the whole or in part in Lodgings, or in separate Apartments, then and in every such Case it shall and may be lawful to and for the said Commissioners, in and by any such Rate or Rates, Assessment or Assessments, so to be made as aforesaid, at their Discretion, to rate and assess the Landlord or Landlords, Owner or Owners of all and every or any such House or Houses, Warehouse or Warehouses, or other Buildings or Tenements, for the Payment of the Rate or Rates, Assessment or Assessments, for the Purposes of this Act; and in all and every such Cases the Landlord or Landlords, Owner or Owners of all and every such Houses, Warehouses, or other Buildings or Tenements, shall from thenceforth, and until the Expiration of the current Year, or Part of a Year for which such Rates or Assessments shall be made, be rated to, and from Time to Time shall pay or cause to be paid the Rates or Assessments charged upon the same respective Premises for the Purposes of this Act; and upon Nonpayment thereof the Collector or Collectors authorized and appointed by virtue of this Act to receive the same, or any of them, is and are hereby authorized to levy the same by Distress and Sale of the Goods and Chattels of such Landlord or Landlords, Owner or Owners, wheresoever the same may be found respectively: Provided always, that the Goods and Chattels of all and every Person and Persons renting or occupying any such House, Warehouse, or other Building or Tenement, or any Part or Parts thereof, the Rate or Rates, Assessment or Assessments whereof the Landlord or Landlords, Owner or Owners, is and are hereby made liable and subject to as aforesaid, shall be liable at all Times to be distrained and sold for Payment of so much of the said Rates or Assessments, and of all Arrears

Occupier's  
Goods liable  
to be dis-  
trained for  
Payment of  
Rates.

thereof, as became due upon the said Premises during the Time of his, her, or their Occupancy only; but no such Occupier or Occupiers 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 from such Occupier or Occupiers to the Landlord or Landlords, Owner or Owners of the Premises so occupied by him, her, or them: Provided also, that each and every such Occupier who shall pay any such Rate or Rates, Assessment or Assessments, or any Arrear thereof, or upon whom the same shall be levied, shall and may from Time to Time deduct the same from the Rent then or at any Time thereafter due from him, her, or them to the respective Landlords or Owners of the Premises, and the Receipt for such Payment shall be a good and sufficient Discharge to such Occupier or Occupiers to his, her, or their Landlord or Landlords, for so much Money as he, she, or they shall pay in the Manner directed by this Act.

LXXXIV. And to prevent Disputes touching the Designation of the Landlord or Owner, Lessee or Lessees, intended to be made liable by this Act, be it enacted, That the Person or Persons receiving as or claiming to be entitled to the Rents of every such House, Warehouse, Building, or Tenement, payable by the Tenants or Occupiers in the actual Possession thereof respectively, shall be deemed and taken to be the Landlord or Owner, Lessee or Lessees of the same, for the Purposes of this Act, and shall continue to be rated to and liable to the Payment of all and every such Rates as aforesaid, until some other Person or Persons shall be rated to or pay the same.

Persons receiving Rents to be deemed the Owners.

LXXXV. And be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any House, Building, Land, Tenement, or Hereditament which shall be rated or assessed by virtue of this Act, such Person or Persons shall be liable to pay the Rates or Assessments so rated or assessed, 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 House, Building, Land, Tenement, or Hereditament as aforesaid, out of or from which any 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 Person or Persons so coming into or occupying the same shall, for and in respect of his, her, or their Occupation thereof, be liable to pay 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 House, Building, Land, Tenement, or Hereditament; which said respective Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners as they shall judge reasonable.

How Rates to be paid by Tenants quitting or entering.

LXXXVI. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Person or Persons by them authorized, from Time to Time to inspect the Poor Rates of and for the said respective Parishes in the said Borough of *Abingdon*, and to take Copies of or Extracts therefrom, which the Overseer or Overseers, or other Person or

Commissioners may inspect Poor Rates.

Persons

Persons having the Custody thereof respectively, is and are hereby required, on Production of such Order as aforesaid, to permit and suffer to be made and taken without Fee or Reward; and on Refusal thereof by the Overseer or Overseers, or other Person or Persons as aforesaid, he or they so refusing shall forfeit and pay any Sum not exceeding Forty Shillings for each such Offence, to be recovered by the said Commissioners as other Penalties are directed by this Act to be recovered.

Rates to be allowed and signed by the Commissioners; but they may previously amend the same in certain Particulars.

Assessors to deliver Duplicates of every Rate to the Commissioners.

Assessors to attend to justify the Rates.

Commissioners to authorize the Collection of Rates.

Collectors of Rates to be appointed.

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

LXXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, yearly and every Year, or oftener (if there shall be Occasion), by Writing under their Hands, to nominate and appoint such Number of Persons, Inhabitants and Residents within the said Town, as they shall from Time to Time think fit, to be Collectors of and for the said Town for the Purpose of collecting the respective Rates or Assessments by this Act directed to be raised as aforesaid; taking such Security for the faithful Execution of their Office as the said Commissioners shall think fit; and the said Commissioners shall and may and they are hereby required, from Time to Time, as soon as may be after such Rates or Assessments are made, brought in, and allowed, to issue their Order under their Hands to the said Collectors for the Time being, and thereby

to



to direct them jointly and severally to collect and receive, and the said Collectors are hereby directed and required to collect and receive accordingly, within Thirty Days from the Date thereof, (or sooner if it can be done,) the respective Sums of Money expressed or contained in such respective Assessments as aforesaid, Duplicates of which Assessments, under the Hands of the said Commissioners, shall be delivered together with the said Order to such Collectors respectively; and as well such Assessors as aforesaid, as also the said Collectors to whom any Order or Orders from the said Commissioners shall from Time to Time be directed in pursuance of this Act, shall obey and execute the same in all respects; and the said Commissioners shall, out of the Monies to be raised by such Rates or Assessments, pay or allow unto such Persons such Salaries or Recompence, yearly or otherwise, for their Trouble, as to the said Commissioners shall seem meet and reasonable, and shall and may revoke or alter such Salaries or Recompence, and appoint or allow others in their Stead, as to them shall seem meet and proper; and the said Commissioners shall and may from Time to Time, as they shall see Occasion, remove any Assessor or Assessors, Collector or Collectors, and appoint any other or others in his or their Place or Stead.

Collectors to receive the Rates within Thirty Days.

Assessors and Collectors may be removed.

LXXXIX. And be it further enacted, That in case any Person or Persons so rated, charged, or assessed as aforesaid, shall refuse or neglect to pay any such Rates or Assessments to the Collector or Collectors, for the Space of Seven Days after personal Demand thereof made, or after Demand in Writing left at the last Place of Abode of such Person or Persons so rated, charged, or assessed, it shall and may be lawful for any One or more Justice or Justices of the Peace for the said Borough of *Abingdon* (upon Oath of any such Demand and Nonpayment, to be taken before such Justice or Justices), by Warrant under his or their Hand and Seal or Hands and Seals, which he or they is and are hereby empowered and required to grant, to authorize and direct the said Collector or Collectors respectively to levy as soon as may be such Rates or Monies so refused or neglected to be paid, and so in Arrear, together with the Costs and Charges attending the same, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of every such Person or Persons so refusing or neglecting to pay, and so in Arrear as aforesaid, where such Goods and Chattels can be found within the said Borough, rendering the Overplus (if any be) to the Party or Parties so distrained upon.

Mode of recovering Rates.

XC. And be it further enacted, That all and every the said Collectors shall and he and they is and are hereby required to pay the Money he or they shall respectively collect and receive by virtue of this Act, within Seven Days after the Expiration of the Time in which the same is herein before directed to be collected, to the Treasurer or Treasurers to the said Commissioners, or to such other Person or Persons as they shall appoint to receive the same, to be applied for the Uses and Purposes of this Act; and the said Collectors shall and are hereby respectively required, at the Time of their making every such Payment of such Money so collected, to deliver over to the Person or Persons so empowered to receive the same, a true and exact Copy or Duplicate of the Assessment whereby they have collected the same, with an Account thereupon or thereunder written, of all and every such Sum and Sums of Money in such Assess-

Collectors to pay the Money to the Treasurer;

and deliver a Copy of the Assessment, with an Account of the Arrears.

Penalty on Assessors or Collectors refusing to act.

ment rated as remains or remain uncollected (if any such there shall happen to be), together with the Reasons why the same hath or have not been collected and received, in order that it may appear whether the Non-payment thereof hath happened through the Insolvency of any Party or Parties rated, or through the Default of such Collector or Collectors; and in case any Person or Persons so appointed Assessor or Assessors, Collector or Collectors, shall refuse or neglect to take upon him or them respectively his or their Office or Offices, or duly to execute the same, according to the true Intent and Meaning of this Act, each of them so offending shall forfeit and pay for every such Offence the Sum of Ten Pounds, and shall not be again appointed into either of the said Offices for the Space of Five Years: Provided always, that nothing herein contained shall render any Person or Persons above the Age of Seventy Years liable to be appointed to either of the Offices of Assessor or Collector.

Persons aggrieved by any Rate to apply to the Commissioners.

XCI. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, he, she, or they may apply to the said Commissioners at their First Meeting to be holden after the Expiration of Ten Days from the demanding of such Rate or Assessment; and the said Commissioners are hereby authorized and empowered, if they shall think such Person aggrieved, to give such Relief in the Premises as to them shall seem reasonable.

Commissioners may borrow Money, and mortgage the Rates.

XCII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered from Time to Time, when they shall judge it necessary for the Purpose of carrying this Act into Execution, to borrow and take up at Interest any Sum or Sums of Money upon the Credit of the Rates or Assessments granted and made payable by virtue of this Act, (which Money shall be paid to the Treasurer for the Time being for the Purposes of this Act,) and by a Writing or Writings, signed, sealed, and executed by them, to mortgage and assign over the said Rates or Assessments respectively, or any Part or Parts thereof, to any Person or Persons, or their Trustees, who shall advance or lend such Money thereon, as a Security or Securities for the several Sums so borrowed, together with Interest for the same; and every such Mortgage or Assignment shall be in the Words or to the Effect following; (that is to say),

Form of Mortgage of the Rates.

‘ BY virtue of an Act passed in the Sixth Year of the Reign of King  
 ‘ *George* the Fourth, intituled [*set forth the Title of the Act*], we  
 ‘ of the Commissioners  
 ‘ appointed by virtue of the said Act, in consideration of the Sum of  
 ‘ advanced and lent by *A. B.* to *C. D.*  
 ‘ the Treasurer appointed in pursuance of the said Act, upon the Credit  
 ‘ and for the Purposes of the said Act, do grant and assign unto the said  
 ‘ *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the  
 ‘ Rates arising by virtue of the said Act as the said Sum of  
 ‘ doth or shall bear to the whole Sum which is or shall be borrowed upon  
 ‘ the Credit of the said Act; to be had and holden from this  
 ‘ Day of until the said Sum of  
 ‘ with Interest at the Rate of *per Centum per Annum*  
 ‘ for the same, to be paid half-yearly, shall be repaid and satisfied.

In witness whereof we have hereunto set our Hands and Seals this  
Day of

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

XCIH. Provided always, and be it further enacted, That the Monies to be borrowed at Interest as aforesaid shall not exceed in the whole the Sum of Four thousand Pounds over and besides the said Sum of Two thousand Pounds already due and owing under and by virtue of the said recited Act, and hereby secured by virtue of this Act; and all such Monies shall be and are hereby charged upon and shall be paid and payable from Time to Time out of any Money arising by the Rates or Assessments by this Act granted and made payable; and all and every the Lenders duly paying the Monies to be lent, and all and every the Persons to whom the said Principal Sum of Two thousand Pounds, or any Part thereof, is or are now due and owing by virtue of the said recited Act, or such Person or Persons as they shall respectively appoint, or their respective Executors, Administrators, or Assigns, shall be entitled to have and receive the Principal Monies so to be lent, and the Interest thereof, out of the said Rates or Assessments by this Act granted; and all and every such Persons or Lenders, their Executors, Administrators, and Assigns respectively, shall have good, sure, absolute, and indefeasible Estates and Interests in the Monies so to them now respectively due and owing, or to be by them respectively lent, and the Interest for the same respectively, according to the Tenor and true Meaning of this Act.

Amount of Money to be borrowed, and which shall be charged on the Rates.

XCIV. And be it further enacted, That it shall be lawful for the Persons to whom any such Monies are respectively due and owing, and the Lenders of any such Monies hereafter to be advanced as aforesaid, from Time to Time to transfer such Monies respectively, and the Interest thereof, or any Part thereof, and their Right, Title, and Interest therein respectively, and the respective Securities for the same, to any Person or Persons whomsoever; and such Transfer shall entitle such respective Assignees, their Executors, Administrators, or Assigns, to the Benefit of such respective Securities; and such respective Assignees may in like Manner transfer the same again, and so from Time to Time as Occasion may require; and the Person or Persons receiving any such Transfer shall produce the same to the Treasurer for the Time being of the said Commissioners, within Ten Days next after such Transfer shall from Time to Time be made; and the said Treasurer shall enter into a Book, to be kept by him for that Purpose, the Date of every such Transfer, the Names of the respective Parties thereto, and the Principal Sum thereby transferred; and such Transfer shall be in the Words or to the Effect following; (that is to say),

Securities may be transferred.

Transfer to be entered with the Treasurer.

I *E. F.*, being entitled to the Sum of  
secured to  
and Assigns, by virtue of a Mortgage or Assignment bearing Date the  
Day of  
Seals of  
of the Commissioners for carrying  
into Execution an Act passed in the Sixth Year of the Reign of King  
*George the Fourth*, intituled [*set forth the Title of the Act*], upon the  
Credit

‘ Credit or arising out of the Rates granted by the said Act, do hereby  
 ‘ transfer all Benefit and Advantage of the said Mortgage or Assignment,  
 ‘ and all my Right and Title in and to the same, and all Money due and  
 ‘ to become due thereon, unto G. H., his Executors, Administrators, and  
 ‘ Assigns. As witness my Hand this Day of .’

And it shall not be in the Power of the Person or Persons who shall have made such Transfers respectively to make void, release, or discharge the original Security, or any Monies thereby due, or any Part thereof.

Original Securities to be entered in a Book.

Books may be inspected.

XCV. And be it further enacted, That all original Securities for Monies borrowed by virtue of this Act shall be entered at Length by the Clerk to the said Commissioners for the Time being, in a Book or Books to be provided for that Purpose, to which Book or Books, as well as to the Book or Books to be kept for the Entry respecting the Transfers of such Securities by the said Treasurer for the Time being, any of the said Commissioners, or the respective Persons interested in such Securities, shall at all seasonable Times in the Day-time have Access, and shall have free Liberty to inspect any such Book or Books without Fee or Reward.

No Priority in Payment of Money lent at Interest.

XCVI. And be it further enacted, That all Persons to whom any Sum or Sums of Money is or are now due or owing, or to whom any Security or Securities shall be given for Monies lent at Interest under or by virtue of this Act, shall be Creditors on the said Rates or Assessments in proportion to the Sum or Sums of Money so lent at Interest, in equal Degree one with another, and shall have no Preference in respect to the prior Advancement of any such Money lent at Interest, or prior Date of any such Security.

Application of Money raised.

XCVII. And be it further enacted, That the Money to arise or be received by virtue of this Act shall in the first Place be applied in paying and defraying the Costs, Charges, and Expences of applying for and incident to the obtaining and passing of this Act, together with Interest for any Money advanced for that Purpose, at Five Pounds *per Centum per Annum* from the Time any Person or Persons shall pay or advance any such Money, in preference to all other Payments whatsoever, and afterwards in paying the Interest and Principal of the several Sums of Money borrowed and to be borrowed on the Credit of the Rates or Assessments hereby granted, and then in executing the several Works and Purposes hereby directed to be done, performed, and executed.

For securing transient Offenders.

XCVIII. And whereas Offences may be committed against this Act by Persons unknown to the Commissioners, Surveyors, or other Officers appointed to put the same in Execution; be it therefore further enacted, That it shall be lawful for any of the said Commissioners, or for their Clerk, Collectors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, or for any Person or Persons whomsoever, without any Warrant or other Authority than this Act, to seize and detain any such unknown Persons as shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace for the said Borough, or such Offender or Offenders shall be seized and apprehended, and such Justice or Justices

Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

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

Inhabitants not incompetent Witnesses.

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

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

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

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

[Local.]

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CII. And

Recovery and  
Application  
of Penalties.

CII. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeitures, for the Recovery of which no express Provision is herein-before made, shall and may in every Case be heard, adjudged, and determined by or before any One or more Justice or Justices of the Peace for the said Borough of *Abingdon*, in a summary Way, upon Information or Complaint made, whether the same shall be in Writing or not, (and which shall in every Case be made within Six Calendar Months at farthest next after the committing of such Offences respectively, and not afterwards); and upon any such Information or Complaint as aforesaid, the said Justice or Justices shall summon the Party or Parties accused, and examine into the Matter thereof; and if upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses, the Party or Parties accused shall be convicted of having committed such Offence or Offences, then and in every such Case the Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, hereby made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justice or Justices, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then (except in Cases otherwise provided for by this Act) the same shall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any such Justice or Justices (which he and they is and are hereby empowered and required to grant), be levied and recovered, together with the Costs of Conviction and Recovery thereof, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, and the Overplus (if any) of the Money arising by such Distress and Sale shall be returned upon Demand to the Party or Parties whose Goods and Chattels shall be so distrained and sold, and One Moiety of which Penalties, not herein directed to be otherwise applied, shall be paid to the Informer, and the other Moiety shall be paid to the Overseers of the Poor of the Parish or Place wherein such Offence shall be committed, to be by them applied towards the Relief of the Poor of such Parish or Place; and it shall be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, 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 Ten Days from the taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if, upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justice or Justices, either upon the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods or Chattels whereon such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, can be levied,

levied were such Distress or Warrant issued, such Justice or Justices shall not be required to issue the same, and thereupon it shall be lawful for the said Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol for the said Borough of *Abingdon*, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, or until such Offender or Offenders shall have fully paid such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and all Costs attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law.

CIII. And be it further enacted, That in order to the Recovery of any such Penalty or Forfeiture as aforesaid, the Justice or Justices of the Peace for the said Borough shall take the Information of the Person or Persons prosecuting for the same before him or them in Writing, and shall proceed to hear and determine the Matter of such Information, and shall cause the Conviction of any Offender against this Act to be drawn up in the following Form of Words, or in other Words to the same Effect; (that is to say),

For Conviction of Offenders.

‘ **B**E it remembered, That on the                      Day of                      *A. B.*  
 ‘ is convicted before me *C. D.* [*or, C. D. and E. F.*]                      of  
 ‘ His Majesty’s Justices of the Peace for the Borough of *Abingdon* in the  
 ‘ County of *Berks*, of [*specifying the Offence, and Time and Place when*  
 ‘ *and where the same was committed, as the Case shall be*]. Given under  
 ‘ my Hand and Seal [*or, our Hands and Seals*], the Day and Year first  
 ‘ above written.’

Form of Conviction.

CIV. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Rate or Assessment to be made, or other Matter or Thing to be done in pursuance of this Act, such Person may appeal to the Justices at any General or Quarter Session of the Peace to be holden for the said Borough next after the Cause of Complaint shall have arisen, such Appellant first giving Fourteen Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Commissioners, and within Two Days after such Notice entering into a Recognizance to the King in the Sum of Twenty Pounds, before some Justice of the Peace for the said Borough, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Session; and the said Justices at such Session shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, by amending such Rate or Assessment, either by inserting therein or striking out the Name or Names of any Person or Persons, or by altering the Sum or Sums therein charged on such Person or Persons, or in any other Manner which the said Court shall think necessary, and without quashing or wholly setting aside such Rate or Assessment; provided always, that if the said Justices shall be of Opinion that it is necessary for the Purposes of giving Relief to the Person or Persons appealing, that the Rate or Assessment shall be wholly quashed, then the said Justices may quash the same; and the said Justices at

Appeal to the Sessions.

at such Sessions shall award such Costs to the Party appealing or appealed against as they shall think proper (the Costs, if awarded to the Party appealing, to be paid by the said Treasurer for the Time being out of the Sums to be raised by virtue hereof), and the Determination of the said Justices upon such Appeal shall be final, binding, and conclusive to all Parties, and to all Intents and Purposes; and if any Party appealing shall neglect or refuse to pay such Costs as shall be awarded against him or her to the said Treasurer, within Eight Days next after Notice of the Order of the said Justices relating thereto, then it shall be lawful for the Justices, at any Adjournment of the said Session, or at the next General or Quarter Session of the Peace to be holden for the said Borough, upon Proof of such Neglect or Refusal, to order and cause such Recognizance to be estreated into His Majesty's Court of Exchequer at *Westminster*, as forfeited.

Proceedings  
not to be  
quashed for  
Want of  
Form.

CV. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only; any Law or Statute to the contrary notwithstanding.

Distress not  
to be deemed  
a Trespass  
for Irregu-  
larity.

CVI. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceedings 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 distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case.

Plaintiff not  
to recover  
after Tender  
of Amends.

CVII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action for any such Trespass, Irregularity, or other wrongful Proceeding, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings or Orders and Judgments 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.

Limitation of  
Actions.

CVIII. And be it further enacted, That no Action or Suit shall be commenced against any Person for any thing done in pursuance of this Act, until Twenty-one Days Notice thereof shall be given in Writing to the Clerk for the Time being of the Commissioners constituted by or to be elected under this Act, or after sufficient Satisfaction or Tender thereof



hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed for which such Action or Actions, Suit or Suits, shall be so brought; and every such Action shall be brought, laid, and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant and Defendants in such Actions or Suits, and every of them, may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial or Trials which may 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; and if the said Matter or Thing shall appear to have been so done, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice were 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 before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions, or if Judgment shall be given for the Defendant or Defendants therein, then and in any of the Cases aforesaid such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his or their Costs in any other Cases by Law.

General Issue.

CIX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to lessen or in any Manner affect the Liability of the Corporation of the said Borough of *Abingdon*, or their Chamberlain for the Time being, to repair any of the Streets, Lanes, Passages, or Places within the said Town, in the Manner they have been accustomed to do, otherwise than as the same is hereby altered, as far as the same extends to the Footways and necessary Alterations of Gutters or Watercourses occasioned thereby.

Liability of the Corporation to repair the Streets not to be affected.

CX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent the Corporation of *Abingdon*, or any other Person or Persons, from having or taking any legal Remedy against any Person or Persons for any Encroachments or Nuisances that are or shall be made within the said Town, or for any of the Annoyances or Obstructions herein-before authorized to be avoided and prevented, or in any other Manner to prejudice, lessen, or defeat any legal Power, Privilege, Franchise, or Authority of the said Corporation, or any of the Juries, or Officers of their Courts or Leets within the said Town (save only the Power and Authority, if any such there be, of preventing or hindering in any respect the Execution of this Act, or of punishing any Person or Persons who shall have been before punished by the Authority of this Act for the same Offence), but that the said Corporation, Juries, and Officers respectively shall and may exercise and enjoy all and every such Powers, Privileges, Franchises, and Authorities (save only as before is saved) in as full and ample a Manner to all Intents and Purposes as they have heretofore used to do, and of Right could or might have done in case this Act had not been made.

Saving the Right of the Corporation and others to prevent Nuisances.

Public Act.

CXI. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

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