



ANNO SEXTO

GEORGIIV. REGIS.

Cap. lxxvii.

An Act for lighting the Town and Borough of *Chesterfield* in the County of *Derby*.

[20th *May* 1825.]

WHEREAS the Town and Borough of *Chesterfield* in the County of *Derby*, is large and populous, and a Place of considerable Resort, and is a great Thoroughfare for Travellers; and the Streets, Roads, Ways, Lanes, and other public Passages and Places within the said Town are not lighted, and it would tend to the Safety, Convenience, and Advantage of the Inhabitants and of the Public if the same were properly lighted: And whereas such Purpose cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Jonathan Adlington, David Batterson, William Brantingham, John Clayton, Josiah Claughton, Robert Daniels, Richard Dixon, Samuel Dixon, Francis Frith, Richard Gillett, Thomas Hounsfeld, Thomas Holmes, William Lovett, Robert Malkin, Jarvis Prince, William Richardson, Henry Smith, Cator Smith, Wotten Byrchinshaw Thomas, John Ward, Samuel Wilcockson, Matthias Wilson, Richard Woodhead, James Wragg*, shall be and they are hereby appointed Commissioners for lighting the Town of *Chesterfield*, and for carrying this Act into Execution.

Commis-
sioners]

[Local.]

Meetings to be held for appointing future Commissioners Twenty Days before the First Tuesday in May.

II. And be it further enacted, That it shall be lawful for the Inhabitants and Occupiers of Lands, Tenements, or Hereditaments within the said Town and Borough of *Chesterfield*, assessed to and paying the Lighting Rate authorized by this Act, to hold Meetings at the Vestry Room of the said Town, or at some other convenient Place in the said Town, for the Purpose of electing Commissioners to supply the Places of such Commissioners as shall from Time to Time go out of Office, as herein-after mentioned respectively; and the First of such Meetings shall and may be held within Twenty Days next preceding the First *Tuesday* in *May* in every Second or alternate Year; and such Meeting shall be convened by the Clerk to the Commissioners, by Notice affixed on the Door of the Parish Church of *Chesterfield* aforesaid, and also in the public Market Place of the said Town, at least Ten Days previous to the holding of such Meeting; and it shall be lawful for such Inhabitants and Occupiers assembled at such Meetings once to adjourn the same respectively; and at such Meetings respectively the said Inhabitants and Occupiers, or the Majority in Votes of the said Inhabitants and Occupiers then assembled, shall and may proceed to the Election of Eight Persons, being Inhabitants and Occupiers of Lands, Tenements, and Hereditaments within the Township of *Chesterfield*, and being duly qualified, and not disqualified according to the Provisions of this Act, to be Commissioners for the Purpose of supplying the Places of such Commissioners as shall go out of Office as herein-after mentioned; and every such Inhabitant or Occupier present, who shall by the last Rate which shall have been made for lighting the said Town have been assessed and charged upon or in respect of any annual Rent, Profit, or Value, not amounting to Thirty Pounds, shall have and be entitled to One Vote and no more; and every such Inhabitant or Occupier present, who shall in such last Rate have been assessed or charged upon or in respect of any annual Rent or Rents, Profit or Value, amounting to Thirty Pounds or upwards (whether in One or more than One Sum or Charge), shall have and be entitled to give One Vote for every Twenty-five Pounds of annual Rent, Profit, or Value upon or in respect of which he shall have been assessed or charged in such last Rate, so nevertheless that no such Inhabitant or Occupier shall be entitled to give more than Six Votes; and at all such Meetings a Chairman shall and may be appointed, who upon an Equality of Votes on any Question (including the Vote of such Chairman) shall have the decisive or casting Vote as Chairman.

The Commissioners herein named to go out of Office Eight at a Time, on the First Tuesday in May in every Second Year, by Ballot.

III. And be it further enacted, That on the First *Tuesday* in *May* in the Year One thousand eight hundred and twenty-seven, Eight of the Commissioners herein named shall go out of Office, and the Eight Persons who shall have been elected at a Meeting of the Inhabitants or Occupiers of Lands, Tenements, and Hereditaments within the said Township, held as herein-before mentioned, within Twenty Days then next preceding, shall be Commissioners in their Stead; and at the End of Two Years from the said First *Tuesday* in *May* in the Year One thousand eight hundred and twenty-seven, Eight more of the said Commissioners herein named shall go out of Office, and Eight Inhabitants or Occupiers of Lands, Tenements, and Hereditaments within the said Township, being elected and duly qualified according to

to the Provisions of this Act, shall be Commissioners in their Stead; and at the End of the next succeeding Two Years Eight more of the said Commissioners herein named shall go out of Office, and Eight Inhabitants or Occupiers, being elected and duly qualified according to the Provisions of this Act, shall be Commissioners in their Stead; and in order to determine which Eight of the said several Commissioners herein named shall go out of Office at the respective Times aforesaid, a Ballot shall be taken at a Meeting of the Commissioners to be held for that Purpose previously to the Day for electing Commissioners to supply the Places of such of the said Commissioners as shall from Time to Time go out of Office.

IV. And be it further enacted, That after the First *Tuesday* in *May* in the Year One thousand eight hundred and thirty-one (when all the Persons herein named will, under the Provisions herein-before contained, have gone out of Office), then and from thenceforth Eight of the said Commissioners for executing this Act shall, at the Expiration of every Two succeeding Years, go out of Office by Rotation in the Order in which they shall have been elected, and Eight Inhabitants or Occupiers of Lands, Tenements, or Hereditaments within the said Township, being elected and duly qualified as aforesaid, shall be Commissioners in their Stead.

Future Commissioners to go out of Office Eight at a Time, every Two Years, according to the Date of the Election.

V. And be it further enacted, That when any of the Commissioners herein named, or hereafter to be elected, shall die, resign, or be or become disqualified, or shall for the Space of One Year refuse or neglect to act, such Death, Resignation, Disqualification, Refusal, or Neglect, being declared at a Meeting of the said Commissioners, then and in every such Case the surviving or remaining acting Commissioners, or any Five or more of them, assembled at any Meeting to be held or called under or by virtue of this Act, shall nominate, elect, and appoint fit Persons qualified as herein-after mentioned, to be Commissioners in the Room or Stead of the Commissioners so dying, resigning, or being or becoming disqualified, or refusing or neglecting to act as aforesaid; and every Person so to be elected and appointed a Commissioner is hereby vested with the same Powers for putting this Act in Execution as if he had been expressly named and appointed a Commissioner in and by this Act; but every Person so to be elected and appointed a Commissioner as last mentioned, shall continue in Office only for such Period as the Commissioner so dying, resigning, or being or becoming disqualified, would have continued in Office.

On Death, Refusal, or Neglect of Commissioners, others to be chosen.

VI. 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 he shall be an Inhabitant or Occupier of Lands, Tenements, or Hereditaments within the said Township of *Chesterfield*, at the annual Rent of Fifteen Pounds, or shall really and *bond fide*, in his own Right or in Right of his Wife, be in the actual Possession of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments of an Estate or Estates of Inheritance of the clear yearly Value of Fifteen Pounds, or be possessed of an Estate or Estates of Inheritance,

Qualification of Commissioners.

Inheritance, and a Personal Estate jointly, or a Personal Estate above Reprises alone, to the Amount or Value of Five hundred Pounds; nor shall any Person be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation herein-after mentioned), until he shall have taken and subscribed before One or more of the said Commissioners (who is and are hereby empowered to administer the same) an Oath or Affirmation in the Words or to the Effect following :

Commissioners Oath.

‘ I *A. B.* do swear, [*or being a Quaker, so solemnly affirm*], That I am an Inhabitant or Occupier of Lands, Tenements, or Hereditaments within the Township of *Chesterfield*, at the annual Rent of Fifteen Pounds [*or that I am really and bond fide, in my own Right or in Right of my Wife, as the Case may be*] now in the actual Possession of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments of an Estate or Estates of Inheritance of the clear yearly Value of Fifteen Pounds [*or possessed of an Estate or Estates of Inheritance, and a Personal Estate jointly, or a Personal Estate above Reprises alone, to the Amount or Value of Five hundred Pounds*]; and that I will faithfully and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities vested and reposed in me as a Commissioner by virtue of an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act.*] So help me GOD.’
 ‘ [*Or if a Quaker, omit the Words, ‘ So help me God.’*]

And an Entry or Memorandum shall be made in the Book of Proceedings of the Commissioners of the taking or making and subscribing of such Oath or Affirmation, and of the Date of administering the same; nor shall any Person be capable of acting as a Commissioner in the Execution of this Act in any manner wherein he shall be personally interested, nor whilst he holds any Place of Profit, or is or shall be interested in any Contract or Contracts under this Act, or who shall furnish or supply, or be concerned directly or indirectly in furnishing or supplying any Article, Matter, or Thing employed by the said Commissioners in the Execution of this Act, or who shall sell any Ale, Beer, Wine, or Spirituous Liquors by Retail; and if any Person not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall act as a Commissioner in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds 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, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance shall be allowed; and every Person so sued or prosecuted shall prove that he was at the Time of acting qualified 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: Provided always, that all Acts and Proceedings of any Person or Persons acting as a Commissioner in the Execution of this Act, though

Penalty on Persons acting not being qualified.

though not duly qualified, done previously to his or their being so convicted, shall be as valid and effectual as if such Person or Persons had been duly qualified as aforesaid.

VII. Provided also, and be it further enacted, That no Person having any Share or Interest in any Gas Light Company already established, or hereafter to be established, for lighting the said Town, shall be qualified to act as a Commissioner in the Execution of this Act.

Commissioners disqualified by holding Shares in any Gas Company.

VIII. And be it further enacted, That it shall be lawful for such of the said Commissioners as are or shall be Justices of the Peace, to act as such in the Execution of this Act, notwithstanding their being Commissioners, except in such Cases where they shall be personally interested.

Commissioners may act as Justices of the Peace.

IX. And be it further enacted, That the said Commissioners shall meet at some convenient House or Place in *Chesterfield* aforesaid, on the Twenty-first Day of *June* next, after the passing of this Act, between the Hours of Ten and Twelve in the Forenoon, in order to put this Act in Execution; or in the Event of such Meeting not being held at the Day and Time aforesaid, then at such other Day and Time as the said Commissioners, or any Five or more of them, shall afterwards appoint, by Notice in Writing affixed on the outer Doors of the Parish Church of *Chesterfield*, Ten Days at least before the Day of Meeting; and it shall be lawful for the Commissioners present at any Meeting appointed to be held for the Execution of this Act, from Time to Time to adjourn the same, to be holden at any future Day and Time, at any House or Place within the said Town; and in case the said Commissioners present at any Meeting shall omit to adjourn the same, or from any other Cause any Meeting shall not be adjourned, then and in every such Case the Clerk of the said Commissioners shall adjourn the Meeting to be held at the same Place, and to some future Day, not exceeding Fourteen Days then next ensuing, and of which Adjournment such Clerk shall from Time to Time give at least Seven Days Notice in Writing, to be affixed on the outer Doors of the said Parish Church.

Meetings and Adjournments.

X. And be it further enacted, That notwithstanding any Adjournment or Non-adjournment of any previous Meeting of the said Commissioners, it shall be lawful for any Five or more of the said Commissioners, or for their Clerk (on an Order signed by Five or more of them), from Time to Time, and at any Time, by Notice in Writing under their or his Hands or Hand, to be affixed on the outer Doors of the said Parish Church, to convene and appoint a Meeting of the Commissioners for proceeding in the Execution of this Act, to be held at any Time and in any convenient Place within the said Town, to be specified in such Notice, and expressing the Occasion of such Meeting, such Time not being less than Three Days after the affixing of such Notice.

Meetings on Emergencies.

XI. And be it further enacted, That all the Powers and Authorities by this Act granted to or vested in the said Commissioners, shall and

Regulating Proceedings of Commis-

Commissioners at Meetings.
A Quorum.

may from Time to Time be exercised by the major Part of them present at any Meeting to be held in pursuance of this Act; the Number present at any such Meeting not being less than Five (except in Cases where by this Act a greater Number is required), and all the Orders and Proceedings of the major Part of any such Five or more Commissioners present at such Meetings, shall have the same Force and Effect as if the same were made or done by all the Commissioners for the Time being; and at every such Meeting of the said Commissioners, One of the Commissioners present shall be appointed Chairman by a Majority of the Commissioners then present, and in case of an Equality of Votes of Commissioners at such Meeting (including the Vote of the Chairman) the Chairman presiding at such Meeting shall have the decisive or casting Vote as Chairman, although he shall have previously given his Vote as a Commissioner; and no Act of the said Commissioners in the Execution of this Act shall be good or valid, unless done at some Meeting to be held in pursuance of this Act (except in Cases particularly specified in this Act to be done otherwise); and no Order made by the said Commissioners at any of their Meetings shall be revoked or altered, unless at some subsequent Meeting to be held for that Purpose, of which Fourteen Days Notice shall be given as aforesaid, expressing the Occasion of such Meeting, and unless a greater Number of Commissioners shall attend and vote at such Meeting to revoke and alter the Order than were present when the same was made, any thing contained in this Act to the contrary notwithstanding: Provided always, that the said Commissioners shall at all their several Meetings pay and defray their own Expences (except any Sum not exceeding Ten Shillings a Day for the Use of the Room wherein they shall meet for the Purposes of this Act).

Books of Proceedings to be kept, and to be Evidence.

XII. And be it further enacted, That the said Commissioners shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of the Names of all the Commissioners who shall attend the respective Meetings, and of all their Acts, Orders, and Proceedings relative to the Execution of this Act; and the Chairman of each Meeting of the said Commissioners shall always subscribe his Name at the End of such Proceedings of the said Commissioners, and all Entries in such Books, being signed as aforesaid, shall be deemed original, and shall be allowed to be read in Evidence in all Cases, Suits, and Actions touching any thing done in pursuance or by virtue of this Act.

Books of Accounts of Receipts and Disbursements to be kept, and to be open for Inspection.

XIII. And be it further enacted, That the said Commissioners shall and they are hereby required to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, or any Person or Persons paying the Rates or Assessments hereby granted, without Fee or Reward; and the said Commissioners and Persons aforesaid, or any of them, shall and may take Copies of
or

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 or Persons aforesaid to inspect the same, or take such Copies or Extracts, as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

XIV. And be it further enacted, That a Meeting of the said Commissioners shall be held on the First *Tuesday* in *May* yearly, at some House or Place within the said Township of *Chesterfield*, at which the Accounts of all Monies received and paid from Time to Time by virtue or in execution of this Act, by any Person or Persons whomsoever, shall be produced and stated to and examined and settled by the said Commissioners, and the same shall afterwards be printed in one or more of the *Derby* Papers.

Annual Meetings for auditing Accounts.

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

Indemnity to Commissioners.

XVI. And be it further enacted, That the said Commissioners shall from Time to Time appoint and employ a Treasurer or Treasurers, Clerk or Clerks, Assessor or Assessors, Collector or Collectors, Receiver or Receivers of the Rates or Assessments, and such other Officers or Persons as and when they the said Commissioners shall think proper, for carrying this Act into Execution; and the said Commissioners shall and may from Time to Time remove them, or any of them, and in like manner appoint others in the Room of those removed; and out of the Monies to be raised by virtue of this Act, the said Commissioners shall pay such Salaries, Wages, or Allowances to the said Officers and other Persons as they the said Commissioners shall think reasonable; and the said Commissioners shall, and they are hereby required to take sufficient Security from every such Treasurer, Collector, or Receiver under this Act, and shall or may also take such Security from the Clerk and other Officers as they the said Commissioners shall think reasonable; and all such Officers so to be appointed 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, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Monies which shall have been received by such Officers and Persons respectively by virtue or for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the Vouchers and Receipts

Officers to be appointed.

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

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

XVII. And be it further enacted, That in case of the Death of any Officer before he shall have paid and fully satisfied all the Monies which he shall have received by virtue of his Office, or for the Purposes of this Act, then and in every such Case, the Executors or Administrators of such Officer so dying shall deliver up all Books, Papers, Writings, and other Things concerning his Office, or relating to the Execution of this Act, which shall have come to the Hands of such Executors or Administrators; and in case of the Non-delivery of such Books, Papers, Writings, and Things, for the Space of Ten Days after Demand thereof in Writing, by or on behalf of the said Commissioners, it shall be lawful for the said Commissioners to commence and prosecute an Action or Actions in any of His Majesty's Courts of Record at *Westminster* against such Executors or Administrators, for the Recovery of Damages for the Detention of such Books, Papers, Writings, and Things, in which Action or Actions full Costs of Suit shall be recoverable by the said Commissioners; or otherwise, in case of Non-delivery of such Books, Papers, Writings, and Things, for the Space of Ten Days after Demand made as aforesaid, then upon Complaint made by the said Commissioners, or any Five of them, or by any Person or Persons whom they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid to any Justice of the Peace, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Person so refusing or neglecting to be brought before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any Books, Papers, Writings, or Things relating to the Execution of this Act, shall be in the Custody or Power of such Person, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same, then and in any such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the County or Place where the Offender shall reside, there to remain without Bail or Mainprize until he shall have given up such Books, Papers, Writings, and Things, or have given Satisfaction in respect thereof to the said Commissioners, or to such Justice.

In case Of-
ficers die,
Executors to
account.

XVIII. And be it further enacted, That if any Clerk or Treasurer, or other Officer employed by the said Commissioners for the Purposes of this Act, shall exact, demand, take, or accept any Fee, Emolument, or Reward whatsoever (other than such Salary or Allowance as shall be appointed and allowed by the said Commissioners, or as is specified and allowed in and by this Act), for or on account of any

Penalty on
Officers
taking any
Fee or
Reward.

[Local.]

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thing done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Commissioners, or on any other account whatsoever relative to his or their Employment or Duty, or shall be concerned or interested in any Bargain or Contract made by the said Commissioners for the Purposes of this Act, every such Person so offending shall be incapable afterwards of serving or being employed under the said Commissioners, and shall forfeit and pay the Sum of Fifty Pounds for every such Offence, 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, Plaint, Suit, or Information, wherein no Essoign, Protection, Wager of Law, or more than one Imparance shall be allowed.

Clerk restrained from acting as Treasurer, and viceversâ.

XIX. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk, or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioners other than that of Treasurer, every Person so 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 Imparance shall be allowed.

Commissioners may sue or be sued in the Name of their Clerk, &c.

XX. And be it further enacted, That the said Commissioners may sue or be sued for or concerning any thing which shall be done by virtue or in pursuance of this Act, in the Name of their Clerk for the Time being, or in the Name of any one of the said Commissioners; and no Action or Suit to be so brought or commenced by or against the said Commissioners shall abate or be discontinued by the Death, Removal, or Default of any such Clerk or Commissioner, but shall be continued and carried on in the Name of the Clerk for the Time being, or of the Commissioner in whose Name the same shall have been brought, and the Clerk for the Time being, or such Commissioner, shall always be deemed Plaintiff or Defendant in such Action

or Suit (as the Case may be): Provided always, that all Costs and Expences to be incurred by the said Commissioners, or any of them, or by their Clerk, or any Person or Persons authorized by them, in prosecuting or defending any Action or Suit touching the Execution of this Act, shall be defrayed out of the Money arising by virtue of this Act: Provided always, that such Clerk shall not on that account be deemed an inadmissible Witness in any such Action or Suit, except only in such Action or Suit as shall be on his own personal Account.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time and at all Times, to cause the Streets, Roads, Ways, Lanes, and Passages, and other public Places within the said Town and Borough, or any of them, to be well and sufficiently lighted with Oil, or with Gas, or partly with Oil and partly with Gas, or otherwise, at such Seasons and Times as the said Commissioners shall judge proper; and for such Purpose the said Commissioners are hereby authorized and empowered, if they shall think it necessary, to cause Mains or Pipes for the Conveyance of Gas to be laid and carried along, through, and under the Streets, Roads, Ways, Lanes, Passages, and other public Places within the said Town, or any of them, and to cause such and so many Lamps, Lamp Irons, Lamp Posts, Pillars, Pilasters, and Pipes, and all such other Matters and Things as they shall judge necessary, to be provided and to be affixed or set up, into, upon, or against the Walls or Palisadoes of all or any of the present or any future Houses or Buildings, or any Walls or Fences within the said Town, or in or upon any of the Carriageways or Footways within the said Town, in such Situation, and at such Distances, and in such Manner in all respects as the said Commissioners shall think proper and direct, and from Time to Time to take down or cause the same to be taken down, altered, or removed, when and as often as they shall think fit: Provided always, that it shall not be lawful for the said Commissioners, or any Person acting by or under their Authority, to do any thing whereby any Water Pipes or Works thereto belonging may be damaged or injured; any thing in this Act contained to the contrary notwithstanding.

Commissioners empowered to cause the Roads, &c. to be lighted, and to purchase Lamps, &c.

XXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to enter into any Contract or Contracts for lighting and watering the several Streets, Lanes, and public Passages within the said Town and Borough of *Chesterfield*, and the Precincts, or for furnishing Materials, or any other Matters or Things necessary for the Purposes of this Act; but before any such Contract or Contracts shall be entered into, Fourteen Days Notice at the least shall be given by written or printed Notice, affixed in the public Streets of the said Town, expressing the Purpose or Purposes of such Contract or Contracts, in order that any Body or Bodies Politic or Corporate, or Company or Companies, or other Person or Persons willing to undertake the same, may make Proposals for that Purpose to the said Commissioners, and they the said Commissioners are hereby required to take Security from any such Contractor or Contractors for the due Performance of his or their Contract: Provided always, that every such Contract shall specify the several Works to be done,

Commissioners may enter into Contracts.

done, and the Prices to be received or paid for the same, and the Time or Times when the said Works are to be completed, and the Penalties to be suffered in case of Non-performance thereof, and shall be signed by the said Commissioners, or any Three or more of them, and also by the Person or Persons, or sealed with the Seal of the Body or Bodies Politic or Corporate, or Company or Companies contracting to perform such Works respectively, which Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Commissioners: Provided always, that the said Commissioners, or their respective Estates, shall not be liable in their individual Capacity to any Loss or Prejudice by reason of their signing any such Contract: Provided also, that it shall be lawful to and for the said Commissioners, from Time to Time and at all Times hereafter, to compound and agree with any Person or Persons for or on account of any Breach or Non-performance of such Contract or Contracts, at and for such Sum or Sums of Money, or upon such Terms and Conditions as they the said Commissioners shall think proper.

Commissioners not to place Pipes against Houses, &c. without Consent.

XXIII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners, or any Company or Companies of Proprietors, or any Body or Bodies Politic or Corporate, or any other Person or Persons whomsoever making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough of *Chesterfield*, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, to carry, lay, or fix, or continue any Pipe or Pipes, or other Thing for the Conveyance of Gas or Inflammable Air into, through, or against any Dwelling House or Houses, or private Buildings, or any private Lands, or Hereditaments, and Premises, or so to continue the same, without the Consent in Writing of the Owner and Occupier of every such Dwelling House, Buildings, Lands, Tenements, and Hereditaments respectively for that Purpose first had and obtained: Provided also, that if any Injury or Damage shall be occasioned to any Building or Wall or other Erection, by the affixing, setting up, taking down, altering, or removing any Lamp, or any Lamp Iron or other Fastening thereof, the said Commissioners, Company or Companies, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall immediately cause the said Injury or Damage to be well and sufficiently repaired, and the Expences attending the same shall be paid out of the Money to be raised by virtue of this Act.

Position of Pipes in private Grounds may be altered, if Owners and Occupiers desire it.

XXIV. Provided also, and be it further enacted, That in case the said Commissioners, or any Company or Companies, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough of *Chesterfield*, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall at any Time hereafter break up the Soil, Pitching, Gutters, or Pavements of any private Ground, Road, or Way, for the Purpose of laying, and shall lay any Pipe or Main along, under, or across the same, with the Consent of the Owner or Owners,
and

and Occupier or Occupiers for the Time being, and such Owner or Owners, Occupier or Occupiers, shall at any Time or Times thereafter deem it necessary or expedient to alter and vary the Position of such Pipe or Pipes, Main or Mains, the said Commissioners, or such Company or Companies, or Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, shall, at the Expence, Costs, and Charges of such Owner or Owners, and Occupier or Occupiers respectively, within One Calendar Month next after being required so to do, by Notice in Writing to them given by the said Owner or Owners, and Occupier or Occupiers, alter and vary the Position of such Pipe or Pipes, Main or Mains, and re-lay the same according to such Notice, in such Manner and in such Place or Places as the said Owner or Owners, and Occupier or Occupiers shall think right or proper; and in default thereof, it shall be lawful to and for the said Owner or Owners, and Occupier or Occupiers, or their Agents, Servants, or Workmen (at the like Costs and Charges of the said Owner or Owners, and Occupier or Occupiers), to cause the Position of such Pipe or Pipes, Main or Mains, to be altered, varied, and relaid as aforesaid.

XXV. 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 or Bodies Politic or Corporate, Company or Companies, or other Person or Persons whomsoever making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, the said Commissioners, Body or Bodies Politic or Corporate, Company or Companies, or other Person or Persons as aforesaid, shall, immediately after Notice given to them or him by Parol or in Writing, of any such Escape of Gas from any Inhabitant or Inhabitants within the said Town, or other 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 the Body or Bodies Politic or Corporate, Company or Companies, or other Person or Persons as aforesaid, shall not within Twenty-four Hours next after such Notice, by Parol or in Writing being given of such Escape of Gas, effectually stop and prevent any Gas escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Commissioners, or the Body or Bodies Politic or Corporate, Company or Companies, or other Person or Persons as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of any such Notice having been given during which the Gas shall be suffered to escape as aforesaid, which Penalty shall from Time to Time be recoverable in a summary Way, on the Oath of One or more credible Witness or Witnesses, before some One or more Justice or Justices of the Peace, and shall and may be recovered and levied, with all reasonable Costs and Charges, by Distress and Sale of the Goods and Chattels of the Treasurer of the said Commissioners, or of the Goods and Chattels of such Body or Bodies Politic or Corporate, Company or

For stopping
Escape of
Gas.

Companies, or other Person or Persons as aforesaid, by the Warrant of any such Justice or Justices of the Peace as aforesaid.

Gas Pipes not to be laid within certain Distances from Water Pipes.

XXVI. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used by the said Commissioners, or by any Body or Bodies Politic or Corporate, Company or Companies, or other Person or Persons whomsoever making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, for the Conveyance of Gas in, under, through, along, across, or round any Street, Road, Way, Lane, Passage, or other Place in the said Town and Borough, shall be so laid at the greatest practicable Distance from any Water Pipe, and whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Four Feet at the least from the nearest Part of any Water Pipe to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Roads, Ways, Lanes, Passages, and other Places in the said Town and Borough (unless in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the Water Pipes, in which Cases the said Gas Pipes shall be laid over and above such 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 any such Water Pipes shall be at least Nine Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of any such Water Pipes than Four Feet at least); and that in laying down the said Gas Pipes the said Commissioners, or Body or Bodies Politic or Corporate, Company or Companies, or other Person or Persons as aforesaid, shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively air-tight, and in all and every respect prevent the said Gas from escaping therefrom, and from any Part thereof, upon pain of forfeiting for every Offence the Sum of Fifty Pounds.

Commissioners, &c. to prevent Contamination of Water.

XXVII. And be it further enacted, That whenever the Water of any Company, or other Owners, or Proprietors of any Waterworks within the Town and Borough of *Chesterfield*, or the Water in any Well or Pond belonging to, or used by any Party or Person whomsoever, shall be contaminated or affected by the Gas of the said Commissioners, or of any Body or Bodies Politic or Corporate, Company or Companies, or other Person or Persons whomsoever making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum

Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and the same shall be applied to and for the Use and Benefit of such Company, or other the Owners or Proprietors of any Waterworks, Well, or Pond, or the Party or Person using any such Water, and suing for such Penalty; and in case any such Water shall be contaminated or affected by Gas in any Way whatsoever, then and in every such Case the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall within Twenty-four Hours next after Notice thereof in Writing, signed by any of the Directors, or by the Treasurer, or by the Manager or Chief Clerk for the Time being of and for the said Company, or by other the Owners or Proprietors of any Waterworks, Well, or Pond, or by any Party or Person interested in or using any such Water, to be left at the usual Office or Place of transacting Business of the said Commissioners, Body or Bodies, Company or Companies, or at the last or usual Place of Abode of such other Party or Person as aforesaid, cause Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting any such Water; and in case the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall not within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination, whereof Notice shall be given as aforesaid, then and in every such Case the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall on each and every Complaint, whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any One of the Directors for the Time being of the said Company, or other the Owners or Proprietors of any Waterworks, or to the Party or Person interested in or using any such Water, and complaining as aforesaid, for the Use and Benefit of the same Proprietors or Owners, or Party or Person, over and above the before mentioned Penalty of Twenty Pounds, to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which any such Water shall be and remain contaminated, tainted, or affected by any such Gas as aforesaid; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer, Manager, or Chief Clerk for the Time being of the said Company, or other the Owners or Proprietors of any Waterworks, or by and in the Name of any One or more of the Directors of the said Company, or other the Owners or Proprietors of any Waterworks, at the Option of the Parties prosecuting such Information, or in the Name of the Party or Person interested in or using any such Water, and complaining as aforesaid against the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, before any Justice of the Peace, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, together with the
Charges

Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties, and Costs, when so levied, shall be paid to the Treasurer, or to One of the Directors for the Time being of the Company, or other the Owners or Proprietors of any Waterworks, for the Use of the same: Proprietors or Owners, or to the Party, or Persons interested in or using any such Water, and informing or complaining as aforesaid.

For ascertaining if the Water is contaminated.

XXVIII. And whereas it may be or become a Question upon such Complaint as aforesaid; whether the said Water be contaminated or affected by the Gas of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein; be it therefore enacted, That in every such Case it shall and may be lawful to and for the said Company, or other the Owners or Proprietors of any Waterworks, to dig to and about, and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, for the Purposes of ascertaining whether such Contamination proceed from or be occasioned by the Gas of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, then and in such Case the said Company, or other the Owners or Proprietors of any Waterworks, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement of the said Streets so broken up or disturbed in such Search and Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or Justices of the Peace as aforesaid.

XXIX. Provided always, and be it further enacted, That if the said Commissioners, or any Body or Bodies Politic or Corporate, Company or Companies, or any other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town and Borough for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever, which shall arise or be produced in the making or producing of the said Gas, or in the Process of obtaining the said Gas, into any River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Feeder, Pond, or Springhead or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Feeder, Pond, or Springhead or Well, Drain, Sewer, or Ditch, whereby the said Water or any Part thereof shall or may be soiled, fouled, or corrupted, then and in each and every such Case the said Commissioners, or any such Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Impar lance shall be allowed, and the Whole of 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 from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, whether such Penalty shall have been sued for or recovered or not, in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be emptied, 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, Feeder, Pond, Springhead or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever to the said Commissioners, or any of them, or to the Body or Bodies Politic or Corporate, Company or Companies, or any of them, or other Person or Persons as aforesaid, and the said Commissioners, Body or Bodies Politic or Corporate, Company or Companies, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours after such Notice given, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things from being emptied, 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

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done

Penalty on conveying Washings into any River, Stream, &c.

done as aforesaid, then and in every such Case the said Commissioners, Body or Bodies Politic or Corporate, Company or Companies, or other Person or Persons as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Nuisance, Injury, 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 as any other Penalty or Forfeiture is in and by this Act directed to be levied and recovered, 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.

Penalty for
wilfully
breaking
Lamps.

XXX. And be it further enacted, That if any Person or Persons shall wilfully break, take away, throw down, or otherwise destroy or damage any Lamp or Lamps already erected, or which shall be erected by or by Order of the said Commissioners, or by any Person or Persons at his or their own Expence, for the Purpose of lighting any of the said Streets, Roads, Ways, Lanes, or public Passages or 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 and may be lawful to and for any Justice of the Peace, and he is hereby required, upon Complaint to him made by One or more credible Witness or Witnesses, of any such Offence having been committed, 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, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, 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; and on the Party or Parties accused being brought before such Justice, 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 Offence respectively forfeit and pay any Sum not exceeding Five Pounds, and shall besides make a full Satisfaction (to be ascertained by such Justice) to the said Commissioners or other Party injured, for the Damage so done; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty by him, her, or them incurred, and also make such Satisfaction as aforesaid, such Justice is hereby authorized, empowered, and required to commit such Offender or Offenders to the Common Gaol or House of Correction of the said Town and Borough, there to be kept to hard Labour for any Time not exceeding Three Calendar Months, unless such Penalty and Satisfaction as aforesaid shall be sooner paid.

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

Penalty for negligently breaking Lamps.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to hire any Room, Building or Buildings, as they shall think fit, in any convenient Part or Parts of the said Town and Borough of *Chesterfield*, or in any adjoining Parish or Place, for the Purpose of making use thereof as and for an Office or Offices for keeping their Accounts, and doing the Business relating to this Act, and as a Storehouse or Storehouses for keeping their Implements and Materials, and for other the Purposes of this Act; and to pay out of the Money to arise by the Rates to be made in pursuance of this Act, such yearly Rent or Rents as they the said Commissioners shall from Time to Time agree upon; and also to accept and take a Lease of such Room, Building or Buildings, to themselves, or any of them, or any Person or Persons in Trust for them, for any Term or Number of Years, at and under such yearly Rent or Rents as they shall from Time to Time think fit, and to pay such Rent or Rents out of the Monies aforesaid.

Commissioners may hire Rooms for Office and Storehouse.

XXXIII. And be it further enacted, That all Lamps, Lamp Irons, Lamp Posts, and Pillars, and Materials thereunto belonging, and all other Matters and Things which shall hereafter be used, erected, or fixed up by the said Commissioners by virtue of this Act, and all Materials, Implements, and other Things which shall be purchased or provided by the said Commissioners for the Purposes of this Act, shall belong to and be the Property of, and are hereby vested in the said Commissioners; and the said Commissioners shall and may cause to be brought, maintained, and preferred any Action or Actions, Bill or Bills of Indictment, as the Case may require, against any Person or Persons who shall steal, take, or carry away, detain, spoil, injure, or destroy

Materials vested in Commissioners.

destroy the several Articles and Things hereby vested in them the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively, it shall be deemed and taken to be sufficient to state generally, that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Commissioners for lighting the Town of *Chesterfield*, without particularly stating or specifying the Name or Names of all or any of the said Commissioners; and the said Commissioners shall have Power and Authority from Time to Time to sell and dispose of, for the Purposes of this Act, all or any of the said Articles and Things as shall at any Time hereafter not be wanted for the Purposes of this Act, or any Part or Parts of the same respectively, to such Person or Persons, and in such Manner as the said Commissioners shall think proper, and shall apply the Money to arise thereby towards the Purposes of this Act.

Raising
Monies.

XXXIV. And for raising sufficient Money to defray and pay the Charges and Expences of lighting the Streets, Roads, Ways, Lanes, Passages, and public Places, or any of them, in the said Town and Borough of *Chesterfield*, and carrying the several Powers and Purposes of this Act into Execution; be it further enacted, That it shall be lawful to and for the said Commissioners, or any Five or more of them, and they are hereby authorized and empowered, to raise and levy from Time to Time, when and as often as they shall think necessary, such Sum and Sums of Money as they shall think requisite, by a Rate or Rates, Assessment or Assessments to be made, assessed, charged, and levied under the Name and Description of *The Chesterfield Lighting Rate*, on the Tenants or Occupiers of all Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach Houses, Counting Houses, Brew Houses, and all Buildings, Erections, Works, and Tenements and Hereditaments, except as herein-after mentioned, within the said Town and Borough, according to the annual Rent or Value of the same respectively, but no such Rate or Rates, Assessment or Assessments to be made for the first Year shall exceed in the whole One Shilling in the Pound, and for every subsequent Year shall not exceed (except in the Case herein-after mentioned) Sixpence in the Pound upon such annual Rent or Value; and the Monies to be assessed and raised by virtue of this Act shall be paid by the several Tenants or Occupiers of such respective Premises to the Collector or Collectors of the Rates to be appointed as directed by this Act, upon such Days or Times as the said Commissioners shall order and appoint, and the Monies so collected, shall be paid over by such Collector into the Hands of the Treasurer or Treasurers of the said Commissioners, at such Times as the said Commissioners shall direct; and if any Tenant or Tenants, Occupier or Occupiers of any of the Premises aforesaid, shall neglect or refuse to pay his, her, or their Proportion or Proportions of any of the Rates or Assessments by this Act authorized to be made, to the said Collector or Collectors, or other Person or Persons, for the Space of Ten Days after the same shall become due and payable, and Demand made thereof, the same shall be levied and recovered on and from all and every such Tenant or Tenants, Occupier or Occupiers so neglecting or refusing, by Distress and Sale of his, her,

her; or their Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals of any One or more Justice or Justices of the Peace, such Defaulter having been first duly summoned by such Justice or Justices to appear before him or them at any Time and Place to be mentioned in such Summons, to show Cause for such Neglect or Refusal, and the Overplus (if any) of the Monies to be raised by such Distress and Sale, shall be returned on Demand to the Owner or Owners of the Goods and Chattels so distrained and sold, together with what shall remain unsold, after deducting all Costs, Charges, and Expences previous to and attending such Distress and Sale, such Costs, Charges, and Expences to be ascertained and determined by the said Justice or Justices; and in default of such Distress, it shall be lawful for any such Justice or Justices to commit such Persons to any Common Gaol or House of Correction for the County of *Derby*, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, or until Payment of such Sum or Sums of Money as shall have been found to be due and in arrear upon all or any such Rate or Rates, Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof; such Costs, Charges, and Expences to be ascertained and determined by the said Justice or Justices.

XXXV. And be it further enacted, That in case it shall at any Time or Times hereafter be found expedient that an increased Rate should be made, levied, assessed, or raised for the Purposes of this Act, then it shall be lawful for the Commissioners assembled at any Meeting to be held in pursuance of this Act, and they are hereby authorized and empowered, to order and direct the Rates and Assessments hereby granted to be increased to such Sum as the Commissioners shall think necessary for the Purposes aforesaid, not exceeding in the Whole in any One Year the Sum of One Shilling in the Pound upon such annual Rent or Value as aforesaid: Provided always, that no such increased Rate shall be raised, assessed, or levied upon the first Occasion of increasing the same, until after the same shall have been submitted to and approved of by the Inhabitants or Occupiers of Tenements and Hereditaments (except as herein-after mentioned), within the said Town assessed to and paying the Lighting Rate authorized by this Act, or by the Majority in Votes of such Inhabitants or Occupiers who shall be present at a General Meeting to be convened and held for that special Purpose, in-like Manner in all respects as the Meetings herein-before mentioned for the Election of Commissioners are to be convened and held; but after it shall have been determined at such Meeting to be held as aforesaid, that such increased Rate shall be made, it shall from thenceforth and for ever after be lawful for the said Commissioners, and they are hereby authorized and empowered, at their proper Discretion, to order and direct any increased Rate for the Purposes of this Act, not exceeding in the Whole One Shilling in the Pound in any One Year as aforesaid, to be made, assessed, charged, and levied from Time to Time, as and when they the said Commissioners shall think fit, and that without the same being submitted to or approved by any Meeting of the said Inhabitants or Occupiers, or without any other or further Sanction or Authority; any thing herein-

Rates may be increased to One Shilling in the Pound with the Concurrence of a Meeting of the Inhabitants on the First Occasion, and afterwards without such Concurrence.

before contained to the contrary thereof in anywise notwithstanding; and all and every the Powers, Authorities, and Provisions in this Act contained for making, assessing, charging, levying, recovering, and receiving the Lighting Rate herein-before authorized, for the Purposes of this Act, shall extend and be applicable to all and every or any such increased Rate or Rates in all Respects, and to all Intents and Purposes whatsoever.

Exemptions
from Rates.

XXXVI. Provided always, and be it further enacted, That no Person shall be rated, or pay the several Rates or Assessments which shall be made by virtue of this Act, who shall occupy a House or Houses within the said Town and Borough of *Chesterfield* of less than the annual Value of Five Pounds, exclusive of all Taxes and Deductions whatsoever chargeable thereon; nor shall any Person be charged with or rated in or by any such Rates or Assessments for or on account of any Land whatsoever.

Power of
Commissioners
to correct
Rates.

XXXVII. And be it further enacted, That if the said Commissioners shall at any Time or Times neglect or omit to rate or assess any Person or Persons liable to pay or to be charged with any Rate or Assessment to be made by virtue of this Act, or shall in any such Rate or Assessment overrate or underrate any Person or Persons liable to pay any such Rate or Assessment, then and in every such Case it shall be lawful for the said Commissioners to rate and assess in the said Rate or Assessment such Person or Persons so omitted to be rated and assessed, and to correct and regulate such Rate or Rates, Assessment or Assessments, so as to make the same conformable to the true Intent and Meaning of this Act; and it shall and may be lawful to and for the said Commissioners, and they are hereby empowered, to strike out the Name or Names of any Person or Persons not liable to the Payment of the Rates hereby directed to be made; and that all such Alterations or Amendments in such Rate or Rates, Assessment or Assessments, shall be as valid and effectual as if the same had been Part of the Rate or Rates, Assessment or Assessments originally made.

For Recovery
of Rates from
Persons quit-
ting the Pre-
mises rated.

XXXVIII. And be it further enacted, That in case any Person or Persons who shall be rated or assessed by virtue of this Act shall quit his, her, or their House or Houses, Shop or Shops, Warehouse or Warehouses, Coach House or Coach Houses, Stable or Stables, Cellar or Cellars, or other Hereditaments whereon any Rate or Assessment shall be made by virtue of this Act, before he, she, or they shall have paid such Rate, and shall afterwards refuse or neglect to pay the same when demanded of such Person or Persons, or at his, her, or their Place or Places of Abode by the Collector of such Rates, or other Person authorized by the said Commissioners, then and in every such Case it shall be lawful for any One or more of His Majesty's Justices of the Peace, and he and they is and are hereby required to grant a Warrant or Warrants of Distress under his or their Hand and Seal, or Hands and Seals, (Oath having been made before him or them by the said Collector or Person as aforesaid; of such Person or Persons having been so rated; and of his, her, or their having quitted the Premises as aforesaid; and of the said Rate or Assessment having

been demanded of or from, or at the then Place of Abode of such Person or Persons; and which Oath such Justice or Justices is and are hereby authorized and empowered to administer), authorizing and directing any Constable or Constables of any Parish, Township, or Place, or other Person or Persons to whom such Warrant or Warrants shall be directed, to distrain the Goods and Chattels of the Person or Persons so refusing or neglecting to pay, and to sell the same; and it shall be lawful for such Constable or Constables, or other Person or Persons, to distrain and sell the Goods and Chattels of the Person or Persons so quitting the said Premises without having paid his, her, or their Rate or Assessment as aforesaid in any Parish, City, Liberty, County, or Place where such Goods and Chattels shall be found, rendering the Overplus (if any), after having retained the Rate or Assessment, and all Arrears thereof, and all the Costs and Charges of such Warrant, Distress, and Sale, to the Owner or Owners of such Goods and Chattels respectively; and in default of such Distress, it shall be lawful for any such Justice or Justices to cause such Defaulter to be apprehended and brought before him, and to commit such Defaulter to any Common Gaol or House of Correction for the said County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until Payment of such Sums of Money as shall have been found to be due and in arrear upon such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, such Costs, Charges, and Expences to be ascertained and directed by the said Justice or Justices; and in case of Payment of such Sums of Money, Costs, Charges, and Expences before the Expiration of the Term of such Imprisonment, then such Person shall, upon such Payment, be immediately discharged.

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

Persons removing to pay in proportion.

XL. And

Landlord to
pay for fur-
nished
Houses.

XL. And be it further enacted, That every Person being Landlord or Tenant, who shall let his or her House in separate Apartments, or ready-furnished, to any Lodger or Lodgers, or for any less Term than One Year, shall and may be rated and assessed to the Rate or Rates by this Act directed to be raised, levied, and recovered, in such and the like Manner as if he or she were the actual Occupier thereof.

Tenants to
pay Rates,
and deduct
same from
Rents.

XLI. Provided always, and be it further enacted, That every Person renting or occupying any such ready-furnished House as aforesaid, shall be liable and compellable to the Payment of the said Rates or Assessments to be recovered in manner herein directed; and every such respective Occupier or Occupiers who shall pay any such Rate or Assessment, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same from and out of the next Rent due and payable from him, her, or them, to the respective Lessee or Owner, and the Receipt for such Payment shall be a sufficient Discharge for such Tenant or Tenants, Occupier or Occupiers, to his, her, or their Landlord, for so much Money as he, she, or they shall pay, or as shall be levied on him, her, or them by virtue of this Act; but no such Tenant or Occupier shall at any Time be required to pay, or be subject or liable to pay any greater Sum for or towards the Discharge of the said Rates or Assessments, or any of them, and Arrears thereof, than the Amount of the Rent actually due and payable by such Tenant or Occupier to the Lessee, Landlord, or Owner of the Premises so let out ready-furnished, or in separate Apartments, Rooms, or Floors to him or her.

Receivers or
other Per-
sons autho-
rized by the
Commission-
ers, to be
allowed to
inspect and
take Copies
of or Extracts
from the
Books of
Land Tax,
and Poor and
Highway
Rates, within
the Town
and Borough,
gratis.

XLII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and for the Collector or Collectors of any Rate or Assessment to be made by virtue of this Act, and for any other Person or Persons authorized by the said Commissioners, at all convenient Times (first having an Order under the Hands of Five of the said Commissioners for that Purpose), to inspect the Books of Assessment of Land Tax, and also Books or Rates made for raising Money for the Relief and Maintenance of the Poor, or for the Repairs of the Highways of the Town and Borough of *Chesterfield*, in order to ascertain the Rates and Assessments to be raised by virtue thereof respectively, and also to take Copies thereof, and to make Extracts therefrom, which Inspection, Copies, and Extracts, the Vestry Clerk or other Officer or Person having the Custody of such Book, Assessment, and Rate, or Books, Assessments, and Rates, is hereby required to permit and suffer to be made, without Fee or Reward, by such Commissioners, Collector or Collectors, Person or Persons appointed as aforesaid, on producing such Order as aforesaid; and in case any Vestry Clerk or other such Officer or Officers, Person or Persons, shall neglect or refuse so to do, within Ten Days after such Order shall be produced and shown to him or them; or a Copy thereof left at his or their last or most usual Place of Abode; then and in every such Case he or they so refusing or neglecting shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XLIII. And

XLIII. And be it further enacted, That all the Money to be raised by the said Commissioners, or received by them under or by virtue of this Act, shall be paid to the Treasurer or Treasurers of the said Commissioners, or to such other Person or Persons as they shall appoint, and shall be applied and disposed of from Time to Time in defraying the Charges and Expences of lighting the said Town and Borough of *Chesterfield*, and in paying and defraying all Expences which the said Commissioners and their Officers shall necessarily sustain or be put unto in carrying this Act into Execution, and in prosecuting and defending any Actions, Suits, or Prosecutions in any Manner relative to the Execution of this Act by them, or of any thing to be done under or by virtue thereof, and for such other Uses and Purposes as are herein expressed.

Application of Money raised by Commissioners.

XLIV. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioners, or by any Person acting by or under their Authority, and such Sum and 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, stating the Order of such Justice or Justices, and delivered to the Clerk to the said Commissioners, or to their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Action at Law against the said Commissioners or their Treasurer, or by Distress and Sale of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Commissioners or their Treasurer for the Time being, as the Case may be.

In case of Nonpayment of Compensation for Materials or Damage by the Commissioners, &c. the same to be levied by Distress of the Goods of such Commissioners, &c.

XLV. And be it further enacted, That where by this Act 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, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's

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

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

Penalty for obstructing Execution of Act.

XLVI. And be it further enacted, That if any Person shall molest or interrupt the said Commissioners, or their Officers, Surveyors, Workmen, or Agents in the Exercise or Execution of any of the Powers or Purposes of this Act, or in the Performance or Execution of any Work, Matters, or Things by this Act directed or authorized to be done, or shall molest or interrupt any other Person appointed or employed by virtue of this Act, then and in every such Case every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for each such Offence.

Recovery and Application of Penalties.

XLVII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by virtue of any Rule, Order, or Bye Law made in pursuance thereof (the Manner of levying and recovering whereof is not hereby particularly directed), may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of One or more Justice or Justices of the Peace, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings for Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such One or more Justice or Justices, who is and are hereby authorized and required to summon and examine any Witness or Witnesses upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties, not herein directed to be otherwise applied, shall be paid to the Overseers of the Parish or Place within which such Offence shall be committed; and it shall and may be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody, until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his or their Appearance before the said Justice or Justices, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take, by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid; or if it shall appear to such Justice or Justices, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereupon to levy such Penalty or Forfeiture, or such Costs as aforesaid, on a Warrant of
Distress

Distress being issued, it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to any Common Gaol or House of Correction in the said County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have fully paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by course of Law: Provided always, that in case such Penalty or Penalties, Costs and Charges, shall be fully paid before the Expiration of the Term of such Imprisonment, then such Person shall upon such Payment be immediately discharged: Provided also, that in all Cases where the Penalty imposed by this Act shall exceed the Sum of Five Pounds, no Proceedings before Justices shall be had and taken for the Recovery thereof before a less Number than Two such Justices.

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

Borough of Chesterfield, in the County of Derby. } **BE** it remembered, That on the _____ Day of _____ in the Year of our Lord _____ is [or are, as the Case may be,] convicted before me [or us, as the Case may be,] _____ of His Majesty's Justices of the Peace for the said Borough of Chesterfield, having [here state the Offence, and the Time and Place when and where the same was committed], contrary to an Act of Parliament [or contrary to a Bye Law duly made in pursuance of an Act of Parliament, as the Case may be,] passed in the Sixth Year of the Reign of His Majesty King George the Fourth, intituled [here set forth the Title of this Act], for which Offence I [or we, as the Case may be,] do adjudge the said _____ to have forfeited the Sum of [here state the Amount of the Penalty, Fine, or Forfeiture for the Offence], according to the said Act of Parliament [and in any Case where the Justice or Justices may see Cause to mitigate and lessen the Penalty, here insert], and I, [or we], the said Justice [or Justices], seeing Cause to mitigate and lessen the said Penalty, do, according to the Provisions of the said Act of Parliament, mitigate and lessen the same to the Sum of _____ which said Sum of [here name the Amount of the Penalty, or mitigated Penalty, as the Case may be], is to be distributed and applied in manner following; (that is to say), One Moiety thereof to the Use of the Commissioners for putting the said Act into Execution, and the other Moiety thereof to the Use of A. B. [here name the Informer], according to the Provisions of the said Act of Parliament. Given under my Hand and Seal [or our Hands and Seals, as the Case may be], the Day and Year first above written.

XLIX. And

Proceedings
not to be
quashed for
Want of
Form.

XLIX. 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, or removed by Certiorari or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law, Statute, or Usage to the contrary notwithstanding.

Distress not
unlawful for
Want of
Form.

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

Appeal may
be made to
the Quarter
Sessions.

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

LI. Pro-

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

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

LIII. And be it further enacted, That no Person shall in any Action, Prosecution, or other Proceedings 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, and collected by virtue of this Act.

Inhabitants may be Witnesses.

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

Plaintiff not to recover after Tender of Amends.

LV. And be it further enacted, That no Action or Suit shall be brought against any Person or Persons for any thing done in pursuance of this Act, or in relation to the Matters and Things herein contained, after Four Calendar Months from the Time the Cause of Complaint shall have arisen, and every such Action or Suit shall be brought and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may, at his or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall have been brought before the Expiration of Twenty-one Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited

Limitation of Actions.

for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon any Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any other Defendant or Defendants hath or have in other Cases of Law.

Commissioners may reward Informers.

LVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to reward any Informer or Informers as they shall think proper, so as such Reward shall not exceed the Amount of the Penalty or Forfeiture proved by the Information of such Informer or Informers to have been incurred; any thing herein contained to the contrary thereof in anywise notwithstanding.

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

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

General Saving to His Majesty's Justices of the County of Derby.

LVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend in any way to change, lessen, abridge, impeach, annul, prejudice, or destroy any Rights, Privileges, Jurisdictions, Immunities, or Customs due or of Right belonging to His Majesty's Justices of the Peace for the County of *Derby*, and to the Mayor, Aldermen, and Burgesses of the Borough of *Chesterfield*, but that all and every such Rights, Privileges, Jurisdictions, Immunities, and Customs may be lawfully exercised, demanded, exacted, received, and enjoyed in as full and ample Manner, to all Intents and Purposes, as the same were or could be enjoyed before the passing of this Act.

General Saving of all other Rights.

LIX. Provided always, and be it further enacted, That nothing in this Act contained shall (except so far as Authority is expressly given by this Act) extend or be construed or deemed or taken to extend to affect,

affect, relinquish, defeat, abridge, impeach, annul, prejudice or destroy the Right, Title, or Interest of the Most Noble *William Spencer Duke of Devonshire*, Lord of the Manor of *Chesterfield*, or the Lord of the Manor of *Chesterfield* for the Time being, of, in, or to the Seigniories, Rights, Royalties, Franchises, Jurisdictions, Rents, Services, Liberties, Privileges, Powers, and Authorities appendant, appurtenant, incident, or belonging to the said Manor of *Chesterfield*, or to any Rents, Tolls, Pickage, Stallage, Free Customs, Dues, Duties, Profits, or Advantages belonging, due, or in anywise appertaining to the said *William Spencer Duke of Devonshire*, Owner of the Markets within the Town of *Chesterfield*, or the Owner of such Markets for the Time being; but that the said *William Spencer Duke of Devonshire*, Lord of the said Manor, and the Lord of the Manor for the Time being, shall (except in this Act expressly excepted) have, hold, use, exercise, take, and enjoy all and every the Seigniories, Rights, Royalties, Franchises, Jurisdictions, Rents, Services, Powers, Authorities, Liberties, Privileges, Advantages, and Emoluments whatsoever to the said Manor belonging, appendant, appurtenant, or usually exercised, holden, or enjoyed therewith; and the said *William Spencer Duke of Devonshire*, Owner of the said Markets, and the Owner of the said Markets for the Time being, shall and may demand, exact, take, and enjoy all such Rents, Tolls, Pickage, Stallage, Free Customs, Duties, Profits, and Advantages, with all Powers and Remedies for enforcing Payment thereof, in such and the like Manner, and as fully and effectually, to all Intents and Purposes, as if this Act had not been passed.

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

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Printers to the King's most Excellent Majesty. 1825.

The first part of the document is a letter from the Secretary of the Board of Education to the Superintendent of Schools. The letter discusses the progress of the schools and the need for further improvements. It mentions the importance of maintaining high standards and the role of the Board in overseeing the educational system.

The second part of the document is a report from the Superintendent of Schools. It provides a detailed account of the schools' performance, including enrollment figures, test scores, and the state of the facilities. The Superintendent notes the challenges faced by the schools and the steps being taken to address them.

The third part of the document is a resolution passed by the Board of Education. It outlines the Board's policy on the use of school funds and the appointment of school officials. The resolution emphasizes the Board's commitment to transparency and accountability in its financial management.

The final part of the document is a list of names and titles of the members of the Board of Education and the Superintendent of Schools. It includes the names of the Board members, their respective districts, and the Superintendent's name and title.