



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI II. REGIS.

Cap. 25.

An Act for lighting the Streets and Lanes of the Borough of *Berwick-upon-Tweed*, and the Quays and Wharfs belonging to the said Borough, and that Part of the Bridge over the River *Tweed* which lies within the Liberties of the said Borough, and also the Street of *Castlegate*, within the said Borough or the Liberties thereof; and for paving the Footpaths of the Streets of the said Borough and of *Castlegate* aforesaid; and for preventing Obstructions, Nuisances, and Annoyances therein.

[16th May 1800.]

WHEREAS the Borough of *Berwick-upon-Tweed* is large and populous, and a Place of great Resort: And whereas the Streets and Lanes of the said Borough, and the Quays and Wharfs belonging to the said Borough, and that Part of the Bridge over the River *Tweed* which lies within the Liberties of the said Borough, and the Street of *Castlegate* within the said Borough, or the Liberties thereof, are at present very ill lighted, and the Footpaths of the Streets of the said Borough and of *Castlegate* aforesaid are very ill flagged or paved, and the said Streets of the said Borough and of *Castlegate* aforesaid, by

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resort

Preamble

reason of the many Obstructions, Nuisances, and Annoyances therein, are rendered incommodious and dangerous: And whereas it would tend greatly to the Benefit and Safety of the Inhabitants of the said Borough, and of all Persons resorting thereto, and passing through the same, if the said Streets and Lanes of the said Borough, and the Quays and Wharfs belonging to the said Borough, and that Part of the Bridge over the River *Tweed*, and of the Street of *Castlegate* aforesaid, were well and sufficiently lighted, and the Footpaths of such Streets of the said Borough and of *Castlegate* aforesaid as are hereafter mentioned, were properly flagged or paved, and likewise if all Obstructions, Nuisances, and Annoyances therein were prevented in future: But as the same cannot be effected and remedied without the Aid 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 the Mayor, Recorder, and Aldermen of the Borough of *Berwick-upon-Tweed* aforesaid for the Time being, and *Burnett Roger Grieve, William Jeffreys, Mark Riddell, John Constable, Robert Romer, Thomas Todd, William Tanner, Richard Todd, William Riddell the younger, Samuel Darling, Richard Reaveley, Matthew Campbell, George Fenton, James Forster, George Hogarth, William Berry, John Bell, John Robertson the elder, James Landles, William Cunningham, William Richardson, John Graham, James Turnbull, Patrick Dickson, John Embleton, William Fair, James Brown, William Walker, Adam Atcheson, George Richardson, John Sanderson, John Bird, and John Fuller*, Doctor of Physick, shall be, and they and their Successors (to be elected in Manner herein-after mentioned) are hereby constituted and appointed Commissioners for putting this Act in Execution; and when any of the Commissioners herein named, or hereafter to be elected, shall die or remove out of the said Borough, or shall at any Time, during the Space of One Whole Year together, refuse or neglect to act (such Death, Removal, Refusal, or Neglect to act, being declared at a publick Meeting) that then it shall and may be lawful for the surviving Commissioners, or any Seven or more of them from Time to Time, and they are hereby required to elect and appoint One or more other proper Person or Persons residing in the said Borough, or in *Castlegate* aforesaid, to be a Commissioner or Commissioners in the Place or Stead of him or them so dying, removing, refusing, or neglecting to act, Ten Days publick Notice of the Time and Place of Meeting for every such Election being given in Writing, signed by the Clerk to the said Commissioners, or by any Three or more of them, affixed on the Door of the Church of *Berwick-upon-Tweed* aforesaid; and every Person so elected shall, from the Time of his Election, have the same Power and Authority for putting this Act in Execution, as if he had been expressly named and appointed a Commissioner by this Act.

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

Qualification of Commissioners.

II. And be it further enacted, That no Person shall be qualified or capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath herein-after mentioned in the first Instance, in which Case any Two or more of the said Commissioners are hereby empowered to administer the same) unless he shall be an Inhabitant within the said Borough of *Berwick-upon-Tweed* or *Castlegate*, aforesaid, and shall be seised or possessed in his own Right, or in the
Right

Right of his Wife, and be in the actual Possession and Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of Ten Pounds, situate in the Borough of *Berwick-upon-Tweed* aforesaid, or in the said Street of *Castlegate*, or shall occupy Lands, Tenements, or Hereditaments within the said Borough or *Castlegate* aforesaid, to the Amount of Ten Pounds or upwards *per Annum*, and also be an Householder liable to be rated by this Act, and unless the Person claiming to be in Possession of the Rents and Profits of Lands or Hereditaments of the clear yearly Value of Ten Pounds as aforesaid, shall have taken and subscribed an Oath to the Effect following; (that is to say),

‘ I Do swear, That I am seised or possessed of in my own Right [*or*,
 ‘ in the Right of my Wife] and am in the actual Possession of the
 ‘ Rents and Profits of Lands, Tenements, or Hereditaments, of the
 ‘ clear yearly Value of Ten Pounds, situate in the Borough of *Berwick-*
 ‘ *upon-Tweed*, or in *Castlegate*, within the Liberties of the said Borough.
 ‘ So help me GOD.’

Commission-
ers Oath.

Which Oath any Two or more of the said Commissioners are hereby empowered to administer; and if any Person, not being qualified as aforesaid, or not having taken such Oath as aforesaid, shall presume to act as a Commissioner for putting this Act in Execution, every such Person shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds, to be recovered in any of His Majesty's Courts of Record at *Westminster*; and every Person so prosecuted, or against whom such Action shall be brought, shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof given on the Part of the Plaintiff or Prosecutor in such Action, than that such Person hath acted as a Commissioner in the Execution of this Act; and the Money to be recovered in such Action shall, after Payment of the Costs and Expences attending such Action, be applied to the Purposes of this Act.

Penalty for
acting, if not
qualified.

III. And be it further enacted, That the said Commissioners, or any Seven or more of them, are hereby authorized and required to meet and assemble together in the Guildhall of the said Borough, on the Ninth Day of *June* One thousand eight hundred, between the Hours of Nine and Twelve of the Clock in the Forenoon of the same Day, in order to put this Act in Execution; and from and after that Time to meet by Adjournment from Time to Time at the same Place, or at any other convenient Place within the said Borough, as they, or any Seven or more of them, shall appoint; and in case there shall not appear at any Meeting which shall be appointed to be held, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to another Day, or in case the Commissioners so assembled shall omit or neglect to adjourn themselves, or in case it shall by any Means happen that there shall be no Adjournment made, then and in any of the said Cases, the Clerk to the said Commissioners shall and may adjourn such Meeting to that Day Fortnight, giving Notice thereof in Writing, to be affixed on the Door of the Parish Church of *Berwick* aforesaid Six Days at least before such Meeting, or if there be no Clerk appointed, or the Clerk to the said Commissioners shall neglect or omit to adjourn, or any wrong Adjournment shall be made, then and in every such Case the said Commissioners, or
 any

First Meeting
of Commis-
sioners.

Powers of Ad-
journment.

any Two or more of them, may, by publick Notice in Writing under their Hands, to be affixed on the Door of the Church of *Berwick-upon-Tweed* aforesaid, appoint the said Commissioners to meet at the Place where the then last Meeting was appointed to be held, at any Time not less than Three Days, nor more than Six Days next after such Notice shall be given as aforesaid, and the said Commissioners shall and may meet accordingly at the Time and Place mentioned in the said Notice, and proceed in the Execution of this Act; and the Commissioners shall at all their Meetings defray their own Charges and Expences.

Commissioners to pay their own Expences.

Commissioners to meet every Quarter.

IV. Provided always, That the said Commissioners appointed, or to be appointed as aforesaid, or any Five or more of them, shall, and they are hereby required to meet and assemble themselves together Quarterly, on the First *Monday* in the Month of *February*, the First *Monday* in the Month of *May*, the First *Monday* in the Month of *August*, and the First *Monday* in the Month of *November* in every Year, for the Purposes of putting this Act in Execution.

Commissioners not to act where interested.

V. Provided also, and be it further enacted, That no Commissioner hereby appointed, or hereafter to be appointed as aforesaid, shall be capable of acting as a Commissioner during the Time he shall hold or enjoy any Office or Employment of Profit under this Act, or be concerned in, or have any Benefit or Interest in any Contract whatsoever made by virtue of this Act.

Commissioners may act as Justices.

VI. And be it further enacted, That it shall and may be lawful for any Commissioner appointed or to be appointed to put this Act in Execution, who is or shall be a Justice of the Peace for the said Borough, to act as a Justice of the Peace for putting in Execution the several Powers and Authorities granted by this Act, notwithstanding his being a Commissioner; and all the Inhabitants of the said Borough or of *Castlegate* aforesaid, may be admitted, and shall be adjudged to be competent Witnesses for the Purposes of this Act.

Inhabitants may be Witnesses.

Commissioners not to act, except at regular Meetings.

VII. And be it further enacted, that the Commissioners named or appointed or who shall hereafter be named or appointed as aforesaid, in or by virtue of this Act, shall not act, or be empowered to do any Act in the Execution of the Powers hereby given to them, except it be at a Meeting to be by them held in pursuance of this Act; and that at every Meeting of the said Commissioners by virtue of this Act, the Powers and Authorities hereby granted to them shall be carried into Execution by the Majority of the Commissioners present at such Meeting; and that such one of the Commissioners present, as the major Part of them then attending shall appoint, shall preside, and be called *the President*, and in case of Equality of Voices of the Commissioners assembled (including the said President's Voice) such President shall have, upon all such Occasions, another, and the casting Voice.

President to be chosen.

Commissioners may alter or revoke former Regulations.

VIII. And be it further enacted, That any Seven or more of the said Commissioners, at any of the said Meetings, shall and may have full Power to revoke, vary, alter, or make void, any such Orders, Rules, and Regulations, made at any former Meeting or Meetings under this Act, as they shall find needful and proper, and so as also the said

said Commissioners so altering and revoking the same, shall exceed the Number of the Commissioners who were present, and concurred in making such prior Rule, Order, or Regulation; and the said Commissioners, or any Five or more of them, shall cause to be provided and kept, Books wherein the several Meetings and Names of the Commissioners attending such Meetings, and the Nomination of all Officers and Persons who shall be employed in the Execution of this Act, and all Orders and Rules, and other Proceedings of the said Commissioners at such Meetings, shall from Time to Time be fairly written and entered by their Clerk, or by such other Person as the major Part of the Commissioners then present at such Meeting (in case of the Absence of the Clerk) shall appoint; and the Commissioners present, and concurring in such Orders and Proceedings, together with such Clerk or other Person, shall subscribe their Names at the End of the Proceedings of every such Meeting; and all such Entries so signed shall be deemed Originals, and shall be admitted to be read in Evidence in all Causes, Suits, and Actions, touching any Thing to be done in pursuance of this Act; and all such Books shall, at every such Meeting of the said Commissioners, be liable to the Inspection of any Person rated and paying to the Rates which shall be made in pursuance or by virtue of this Act.

Proceedings
to be entered
in Books.

IX. And be it further enacted, That the said Commissioners, or any Seven or more of them, present at the First or any succeeding Meeting, by any Writing under their Hands and Seals, shall and may elect and appoint a fit Person to be Clerk and Treasurer, and from Time to Time remove such Clerk and Treasurer as they shall see Occasion, and appoint another in case of such Removal, or in case of Death; and out of the Money arising by the said Rates or Assessments, make such Allowance or Allowances to such Clerk and Treasurer, for his Care and Pains in the Execution of his Office, as to them shall seem meet, not exceeding Twenty Pounds a Year, so as such Clerk and Treasurer do give Security to the Satisfaction of the said Commissioners, or any Seven or more of them, for the due Performance of his Trust and Office.

Commission-
ers to chuse a
Clerk and
Treasurer.

X. And whereas the Mayor, Bailiffs, and Burgeses of the Borough of *Berwick-upon-Tweed*, in order to promote the good Ends and Purposes proposed by this Act, have consented and agreed, that the Charges and Expences of obtaining this Act, shall be paid and defrayed by and out of the publick Monies belonging to the Corporation of *Berwick-upon-Tweed* aforesaid, be it therefore enacted, That the Charge and Expence of obtaining this Act, shall be paid and defrayed by the said Corporation of *Berwick-upon-Tweed*; and the said Corporation of *Berwick-upon-Tweed*, is hereby made liable and answerable for such Charge and Expence as aforesaid.

Charges of
the Act
agreed to be
paid by the
Corporation.

XI. And, for defraying the Charges and Expences of purchasing and setting up a sufficient Number of Lamps for lighting the Streets and Lanes of the said Borough, and the said Street of *Castlegate*, and the Quays and Wharfs, and that Part of the Bridge over the River *Tweed* aforesaid, and of maintaining and repairing all the said Lamps, to be erected and set up by virtue of this Act, and lighting and supplying the same with all proper Materials, be it further enacted, That, from and after the said Ninth Day of *June*, the said Commissioners, or any Five

For defraying
the Expences
of purchasing,
maintaining,
and repairing
the Lamps.

Assessors to
be appointed
by the Com-
missioners.

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Or

or more of them, being assembled at such their respective quarterly Meetings as aforesaid, shall and may, and they are hereby required, when and as often as there shall be Occasion, to nominate and appoint Four or more able and sufficient Inhabitants of the said Borough and *Castlegate* aforesaid (being liable to be rated by virtue of this Act) to be Assessors and Collectors within the said Borough and *Castlegate* aforesaid, in order to raise Money for the Purposes of this Act.

Commissioners to issue Summonses for Assessors to appear before them.

XII. And be it further enacted, That the Commissioners assembled at any such Quarterly Meeting as aforesaid, shall take care that Summonses be issued under the Hands of Two or more of them, to the several Assessors and Collectors appointed by virtue of this Act, thereby requiring them respectively to appear before them and the other Commissioners, at a certain Day, Time, and Place, in such Summons to be mentioned, not exceeding Six Days from the Date of such Summons, and on their appearing the said Commissioners, or such of them as shall be then present, shall order and direct them how and in what Manner they are to make their Assessments, and how they ought to proceed in the Execution of this Act, and shall then appoint another Day for the said Assessors and Collectors to appear before the said Commissioners, and bring in their Assessments in Writing under their Hands, to be verified upon Oath or Affirmation, as herein-after is directed.

Assessors to settle a Pound Rate.

XIII. And be it further enacted, That all and every of the said Assessors shall, and they are hereby empowered and required respectively, to make and settle an equal yearly, half-yearly, or quarterly Pound Rate or Rates, Assessment or Assessments, as by the said Commissioners, or any Five or more of them, assembled at such General Meetings as aforesaid, shall be ordered and directed, upon all and every Occupier or Occupiers of any Land, House, Granary, Shop, Warehouse, Loft, Cellar, Malting, Brewhouse, or other Tenements or Hereditaments, or any Part of any House, Granary, Shop, Warehouse, Loft, Cellar, Malting, Brewhouse, or other Tenement situate within the said Borough of *Berwick-upon-Tweed*, or the Quays and Wharfs aforesaid, or in *Castlegate* aforesaid, such Rate or Rates, Assessment or Assessments, not to exceed in the Whole in any one Year Nine-pence in the Pound of the improved yearly Value of any Lands, Houses, Granaries, Shops, Warehouses, Lofts, Cellars, Maltings, Brewhouses, or other Tenements, such yearly Value to be from Time to Time settled according to the respective Value at which such Lands, Houses, Granaries, Shops, Warehouses, Lofts, Cellars, Maltings, Brewhouses, or other Tenements or Hereditaments, shall be respectively rated for the Relief of the Poor of the Parish of *Berwick* aforesaid.

Power to inspect Poor Rates Schedule.

XIV. And, in order to enable the said Commissioners to make and lay on the said Rates or Assessments, be it further enacted, That the respective Churchwardens and Overseers of the Poor of the said Parish, shall and are hereby required, at all seasonable Times, to permit the said Commissioners, or any of them, or their Treasurer, Clerk, or Collector, or any other Person to be appointed by the said Commissioners, or any Five or more of them, to peruse and inspect the said Rates or Assessments made for the Relief of the Poor of the said Parish of *Berwick*, and to make a Copy or Copies thereof; and every such Churchwarden or Overseer

feer refusing or neglecting to permit such Perusal or Inspection, or any such Copy to be made, shall forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings for every Time he shall so neglect or refuse.

XV. And be it further enacted, That the said Assessors shall respectively sign their said Assessments, and also at the Time of bringing in their said Assessments to the said Commissioners shall make Oath, or, being One of the People called *Quakers*, a solemn Affirmation (which Oath or Affirmation the said Commissioners, or any Two or more of them, are hereby authorized and required to administer) that the said Assessment or Assessments so brought in by the said Assessors respectively, is and are, according to the best of their respective Skill, Knowledge, and Information, a true, fair, and just, yearly, half yearly, or quarterly Rate or Assessment, as the Case shall be, upon all and every Occupier or Occupiers of any Land, House, Granary, Shop, Warehouse, Loft, Cellar, Malting, Brewhouse, or other Tenement, or any Part of any Land, House, Shop, Warehouse, Loft, Cellar, Malting, Brewhouse, or other Tenement, situate within the said Borough of *Berwick-upon-Tweed*, or the Quays and Wharfs belonging thereto, or the Street of *Castlegate* aforesaid; and the said Commissioners, or any Three or more of them, shall then also diligently examine into the Rate or Assessment made upon the said several Assessors, by the said Assessors themselves, and shall and may, if they see cause to suspect the said Rate or Assessment made upon the said Assessors, rate or assess every such Assessor for all and singular the Matters and Things for which by this Act he ought to be rated and assessed; and all Sums assessed upon every the said Assessors, and the Assessments made and set by the said Assessors, shall be collected and levied according to the true Intent and Meaning of this Act; and all such Rates or Assessments respectively so to be made as aforesaid, shall be allowed and signed by the said Commissioners, or any Three or more of them, so assembled as aforesaid.

Assessors to sign their Assessments, and make Oath or Affirmation of the Justice thereof.

Commissioners to examine the Rate the Assessors make upon themselves.

Assessments to be signed by the Commissioners.

XVI. And be it further enacted, That the respective Collectors of the aforesaid Rates and Assessments, for collecting the aforesaid Sums to be comprized in or charged by such Rates and Assessments respectively, and for giving Receipts to the Person or Persons of whom they shall receive the same, shall have and receive, for their Pains and Trouble in collecting and paying the Money, Three-pence for every Twenty Shillings to be by them so collected and paid, which the said Collectors are hereby empowered to detain out of the last Payment of their several and respective Collections.

Allowance to the Collectors

XVII. And be it further enacted, That if any Person appointed an Assessor or Collector as aforesaid, shall wilfully refuse or neglect to perform his Duty in the due and speedy Execution of this Act, the said Commissioners, or any Seven or more of them, may and shall, by virtue of this Act, impose on such Persons or Person so refusing or neglecting, any Fine not exceeding the Sum of Ten Pounds nor less than Five Pounds for every Offence, to be levied in the same Manner, and applied for the same Purposes, as the Rates and Assessments made in pursuance of this Act are directed to be levied and applied.

Penalty on Assessor or Collector refusing to perform his Duty.

XVIII. And

Assessments
how to be re-
covered.

XVIII. And be it further enacted, That the said Rates and Assessments being allowed and confirmed as aforesaid, and all Arrears becoming due upon the same, shall be collected from the several Occupiers so to be assessed, by such Person or Persons as shall be appointed by the said Commissioners, or any Five or more of them, as aforesaid, to collect and receive the same respectively; and in case any Person or Persons so assessed shall refuse or neglect to pay such Rate or Assessment, by the Space of Fourteen Days next after Demand thereof made, by the Person or Persons to be appointed Collector or Collectors in pursuance of this Act, it shall and may be lawful for such Collector or Collectors respectively, by Warrant under the Hands and Seals of Two or more of the said Commissioners, and which Warrant they are hereby empowered and required to grant to the Collector applying for the same, to levy the same by Distress and Sale of the Goods and Chattels of the Party or Parties so neglecting or refusing to pay the same, wheresoever the same may be found, rendering to the Party or Parties whose Goods shall have been so distrained and sold, the Overplus (if any) the reasonable Charges of making such Distress and Sale being first deducted.

XIX. And be it further enacted, That the Form of such Warrant shall be in the Words or to the Effect following; (that is to say),

Form of the
Warrant.

‘ TO *A. B.* Collector of the Assessment for lighting the Streets and
‘ Lanes of the Borough of *Berwick-upon-Tweed*, and of *Castlegate*
‘ within the said Borough, or the Liberties thereof, and of the Quays
‘ and Wharfs belonging to the said Borough, and that Part of the
‘ Bridge over the River *Tweed*, within the Liberties thereof: You are
‘ hereby commanded to make Distress of the Goods and Chattels of
‘ *C. D.* of wheresoever you can find the same, for the
‘ Sum of assessed upon him or her, by virtue of an Act
‘ for lighting the said Streets and Lanes, and Quays and Wharfs, and
‘ other Purposes, and such Distress you are to detain and keep for the
‘ Space of Days next after the making and taking thereof,
‘ for the said Sum of together with the Charges
‘ of making and keeping such Distress, unless the said Sum of
‘ and the reasonable Charges of making such Distress, shall be
‘ sooner paid; and if the same shall not be paid before the End of the
‘ said Days, then you are hereby further commanded, as soon as
‘ may be, to sell the said Goods and Chattels which shall be by you dis-
‘ trained, and out of the Money arising by such Sale, to detain the said
‘ Sum of rendering the Overplus (if any) the reason-
‘ able Charges of making such Distress and Sale being first deducted, to
‘ the said *C. D.* on Demand.’

Persons ag-
grieved to ap-
peal to Com-
missioners, at
their Meet-
ings for hear-
ing Appeals.

XX. Provided always, and be it further enacted, That if any Person or Persons shall find him, her, or themselves aggrieved by any such Rate or Rates, Assessment or Assessments, or if any Dispute or Difference shall arise between the several Occupiers of any Messuage, House, Shop, Warehouse, Malthouse, Granary, or Building, Yard, or other Thing whatsoever, rated or assessed for the Purposes aforesaid, touching or concerning their respective Proportions of any such Rates or Assessments made

made by virtue of this Act, it shall and may be lawful for such Person or Persons to appeal to the said Commissioners at their next Meeting for hearing Appeals, and the said Commissioners, or any Seven or more of them, or the major Part of them at such Meeting assembled, are hereby empowered to summon and examine Witnesses upon Oath, and to hear and determine the Matter of the said Appeal, and to make Order therein as to them shall seem meet; and such Determination and Order shall be final.

XXI. And be it further enacted, That where any Houses shall be divided into different Stories, Tenements, or Apartments, and shall be let to, or occupied or inhabited by Two or more Persons or Families, the same shall nevertheless be subject to the Rates and Duties granted by this Act, and the Landlord or First Lessee of every such House shall be deemed and taken to be the Occupier thereof, and shall be charged with and liable to pay the said Rates and Duties; and such Landlord or First Lessee shall, upon his paying such Rates and Duties, have Power and Authority to recover by Distress and Sale of the Goods and Chattels of any Person inhabiting or occupying any Part or Parts of such Houses, the Sum which such Person is by this Act chargeable with, according to the Amount of the yearly Value of the Part or Parts so occupied by him.

Where Houses are let in different Apartments Landlord or First Lessee to pay Rates.

To be repaid by the various Occupiers.

XXII. And be it further enacted, that when any Person or Persons shall come into or occupy any House, Building, Land, or other Premises aforesaid, within the said Borough, or the Quays and Wharfs aforesaid, or *Castlegate* aforesaid, out of or from which any other Person assessed towards Payment of any Rate or Assessment made by virtue of this Act shall have removed, every Person so removing from, and every Person so coming into or occupying such Premises, shall be liable to pay such Rate or Assessment, in proportion to the Time that such Person occupied the same respectively; and in case any Person shall quit his or her House, Building, Land, or other Premises aforesaid, before he or she shall have paid any Rate, or proportional Part thereof, by him or her due and payable, and shall afterwards refuse or neglect to pay the same when demanded, it shall and may be lawful for the Collectors, by Warrant as aforesaid, to levy such Rate, or proportional Part thereof, by Distress and Sale of such Person's Goods and Chattels, rendering the Overplus (if any) on Demand, to the Person whose Goods and Chattels shall have been so distrained and sold, after all Charges paid.

Power of recovering Assessments from Persons quitting Premises, &c.

XXIII. And be it further enacted, That the said Commissioners, or any Five or more of them, shall, and they are hereby required to give the Collectors of the said Rates or Assessments Notice, at what Time and Place the Appeals of any Person or Persons, who shall think themselves aggrieved by being over-rated by the said Assessors, may be heard and determined, which Day of Appeal, so to be appointed by the said Commissioners, shall be within Forty Days, and not sooner than Fourteen Days after the said Assessment shall be signed and allowed by the said Commissioners as aforesaid; and every such Collector is hereby also required, on the *Sunday* next after he shall have received such Notice as aforesaid from the Commissioners, to cause publick Notice thereof to be given in the Church of *Berwick* aforesaid, immediately after Divine Service, of the

Notice to be given of the Day of Appeal.

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Time

Time and Place so appointed by the said Commissioners for hearing and determining Appeals as aforesaid, which the Clerk of the said Parish Church is hereby required to do at the Request of such Collector or Collectors; and such Collector shall also cause the like Notice in Writing to be fixed upon the Door of the said Church on the same *Sunday*, that all Persons who shall think themselves over-rated may know when and where to make their Appeal to the said Commissioners; and every Person so intending to appeal to the said Commissioners, shall and is hereby required to give Notice thereof in Writing to One or more of the said Assessors of such his Intention to appeal, at least Four Days before the Day appointed for hearing and determining Appeals, that such Assessor or Assessors may then and there attend to justify the said Assessment; and such Assessor or Assessors are hereby required then and there to attend for that Purpose.

Appeals to Commissioners to be final.

XXIV. And be it further enacted, That all Appeals once heard and determined by the said Commissioners, or any Seven or more of them, or the major Part of them then present on the Day and Days by them appointed for hearing Appeals as aforesaid, and all Assessments not appealed against and prosecuted as aforesaid, shall be final, without any further Appeal, upon any Pretence whatsoever; and in case of any Controversy arising concerning any Rate or Assessment upon any of the said Commissioners, or concerning any Matter or Thing wherein any of the said Commissioners shall be anyways interested or concerned, the Commissioners that shall be interested or concerned therein shall have no Vote, but shall withdraw, during the Debate of such Controversy, until it be determined by the rest of the Commissioners then present.

Appeals in Default of Commissioners attending, to be determined by the Mayor and Aldermen.

XXV. And be it further enacted, That in case at any Time Seven of the said Commissioners shall not attend upon the Day appointed for hearing and determining Appeals, so that the Appeals, of which Notice shall be given as aforesaid, cannot be heard and determined by the said Commissioners as aforesaid, then and so often as the Case shall so happen, it shall and may be lawful to and for the Mayor of the said Borough of *Berwick-upon-Tweed*, and any One or more of the Aldermen of the same Borough, or in the Absence of the Mayor any Two of the said Aldermen, to appoint a future Day, within Fourteen Days then next following, for the hearing of such Appeals, of which One Day's Notice shall be given, in the same Manner as herein-before directed, by the Commissioners; and in case Seven Commissioners shall not attend at such Day to be appointed as aforesaid, that then the said Mayor and One Alderman, or Two Aldermen as aforesaid, shall and may, and they are hereby empowered to summon and examine Witnesses upon Oath, and to hear and determine the Matter of such Appeals, and to make such Order therein as to them shall seem meet; and such Determination and Order shall be final.

Hospitals, &c. exempt from Payment.

XXVI. Provided always, and be it further enacted, That nothing in this Act contained shall empower the said Commissioners, or any of them, to charge any Hospitals, or any publick Buildings or Places used for Divine Worship, within the said Borough, or the said Street of *Castlegate*, or any Lands, Tenements, or Hereditaments whatsoever, without the said Borough, or without the said Street of *Castlegate*, with the Payment of any Rate or Assessment for the Purposes aforesaid, or any of them.

XXVII. And be it further enacted, That all and every Person and Persons who shall receive any Money, by virtue of this Act, for the Purposes aforesaid, shall from Time to Time, and as often as the said Commissioners, or any Five or more of them, at any Time assembled, shall require, make and render in Writing to such Commissioners, or unto such other Person or Persons as they shall appoint, a true and perfect Account upon Oath (which said Oath may be taken in Writing before the said Commissioners, or any Two or more of them, who are hereby empowered and required to administer the same) of all Sums of Money by such Person or Persons collected or received, or which shall have been rated and assessed as aforesaid, and not received; and all other Matters and Things committed to their Charge, by virtue of and under the Authority of this Act, and pay and deliver unto such Person or Persons as the said Commissioners, or any Five or more of them, shall direct and appoint, all and every such Sum and Sums of Money as shall remain in his or their Hands at the Time of such Account; and if such Collector or Collectors shall refuse or neglect to account for, and pay such Sum or Sums of Money accordingly, any Two or more of the said Commissioners shall and may, by Warrant under their Hands and Seals, cause the same to be levied by Distress and Sale of the Goods and Chattels of such Collector or Collectors, rendering the Overplus (if any) the reasonable Charges of making such Distress and Sale being first deducted, to the Owner; and if sufficient Distress cannot be found, then the Mayor of the said Borough of *Berwick-upon-Tweed*, or in his Absence any Two of the Aldermen of the said Borough, shall and may, by virtue of this Act, by Warrant under his or their Hand and Seal, or Hands and Seals, commit such Person or Persons to the Common Gaol of the said Borough of *Berwick-upon-Tweed*, there to remain, without Bail or Mainprize, until he or they shall have made a true and perfect Account, and satisfied and paid as much Money as upon the said Account shall be remaining in his or their Hand or Hands, or shall have compounded for the same with the said Commissioners, or any Seven or more of them, which Composition the said Commissioners, or any Seven or more of them, are hereby empowered to make and receive.

Collectors to account upon Oath.

Collectors not making Account and Payment, to be committed to Gaol.

XXVIII. And be it further enacted, That all Monies arising by the Rates and Assessments by this Act herein-before directed to be made and levied, shall be applied to and for the defraying of the Expences of purchasing and setting up a sufficient Number of Lamps for lighting the said Streets and Lanes of the said Borough, and the Quays and Wharfs, and that Part of the Bridge over the River *Tweed* aforesaid, and the said Street of *Castlegate*, and of repairing and maintaining all the said Lamps to be erected and set up by virtue of this Act, and for lighting and supplying the same with all proper Materials.

How the Monies raised are to be applied.

XXIX. Provided always, and be it further enacted, That in case there shall be a Deficiency in any Rate or Rates, Assessment or Assessments so to be made as aforesaid, either by Lands, Houses, Shops, Warehouses, Lofts, Cellars, Maltings, Brewhouses; or other Tenements being unoccupied, or by the Insolvency or Removal of any of the Occupiers, for which or upon whom the said Rates or Assessments are respectively charged, so that the Charges of lighting the Streets and Lanes of the said Borough, and the Quays and Wharfs, and that Part of the Bridge over the

The Deficiency how to be supplied.

the River *Tweed* aforesaid, and the said Street of *Castlegate*, and other incidental Charges in any One Year, cannot be fully satisfied, paid, and discharged in that Year, then such Deficiency shall be supplied by the Assessment for the next succeeding Year, but so as such Assessment shall not exceed in any One Year Nine-pence in the Pound as aforesaid; and if at the End of any One Year, and the closing the Accounts of the said Year, any Surplus Money shall happen to be collected by such Rate or Rates, Assessment or Assessments as aforesaid, such Surplus shall be carried on to the next Year's Credit, and shall be applied for such Uses, and in such Manner, as the Rate or Rates, Assessment or Assessments therein collected, are by this Act directed to be laid out and applied.

Commissioners to purchase Lamps, &c.

XXX. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they, or any Five or more of them, are hereby authorized and empowered to apply any Part of the Monies arising by this Act, in the purchasing, providing, fixing, and renewing of such and so many Lamps, of such Sizes and Sorts, and such and so many Posts, Irons, and other Materials for fixing thereof, as may be thought requisite and necessary for the lighting all or any of the Streets and Lanes of the said Borough, and the Quays and Wharfs, and that Part of the Bridge over the River *Tweed* aforesaid, and the Street of *Castlegate* aforesaid; and may, at any Meeting, order, direct, and cause such Lamps, Posts, Irons, or other Materials, to be put or affixed into, upon, or against the Walls or Palisadoes of any of the Houses, Tenements, or Buildings within the said Borough, and the Quays and Wharfs, and that Part of the Bridge aforesaid, and in the said Street of *Castlegate*, in such Manner, and in such Places, and at such Distances one from the other, as they the said Commissioners, or any Five or more of them, shall from Time to Time think proper; and may also contract with any Person or Persons for the lighting of all such Lamps, at such Seasons of the Year, and at such Hours in the Evening, as they shall think necessary, and may pay and apply any Part of the Monies arising by this Act, in Discharge of the Expences of lighting, cleansing, supplying, and repairing the said Lamps.

Lamps, &c. vested in Commissioners.

XXXI. And be it further enacted, That the sole Property of all the Lamps, and the Posts, Irons, and Furniture thereunto belonging, which shall be provided, erected, or fixed, under or by virtue of this Act, and every other Matter or Thing used in or about carrying the same into Execution, shall be, and the same, and every Part thereof, are hereby vested in the said Commissioners and their Successors, to be elected in the Manner before mentioned, and they are hereby authorized and empowered to bring, or cause to be brought, any Action or Actions, in the Name or Names of any Five or more of them, or in the Name of their Treasurer or Clerk, or other Person or Persons to be appointed for that Purpose, or to prefer any Bill or Bills of Indictment, as the case shall require against any Person or Persons who shall break, spoil, injure, destroy, steal, take or carry away any of the said Lamps, Lamp Irons, Posts, or any of the Materials, Implements, or Things herein-before vested in the said Commissioners, or any Part or Parts thereof.

Penalty on Persons wilfully breaking Lamps.

XXXII. And be it further enacted, That if any Person or Persons shall wilfully take away, break, or damage any of the said Lamps, or shall wilfully extinguish the Light or Lights within the same, or shall damage the
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Irons or other Furniture thereof, or shall wilfully damage any Posts, or other Materials or Things herein-before vested in the said Commissioners, it shall and may be lawful for any Person or Persons whomsoever, who shall see such Offence committed, to give Information of the Offence, or to seize, as also for any other Person or Persons to assist in seizing, the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them, into the Custody of a Peace Officer; in order to be secured and conveyed before some Justice of the Peace for the said Borough, and such Justice shall examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching the said Offence; and if the Party or Parties accused shall be convicted of any of the Offences aforesaid, either by his, her, or their own Confession, or upon such Information as aforesaid, he, she, or they so convicted; shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings, to be levied and recovered in such Manner as in this Act is herein-after mentioned, and shall also make full Satisfaction to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, for the Damage so by him or them done as aforesaid.

XXXIII. And be it further enacted, That in case any Person or Persons shall carelessly or accidentally break, throw down, or damage any of the said Lamps so to be set up as aforesaid, or the Posts, Irons, or other Furniture thereof, and shall not immediately, upon Demand, make Satisfaction for the Damage done thereto, then and in every such Case it shall and may be lawful for any One Justice of the Peace for the said Borough of *Berwick-upon-Tweed*, upon Complaint made to him upon Oath by One or more credible Person or Persons, to summon before him the Person or Persons so complained of and upon hearing the Allegations and Proofs on both Sides, or upon the Non-appearance of the Person or Persons so complained of and summoned, without sufficient Excuse being alledged; such Justice shall award such Sum or Sums of Money, by way of Satisfaction for such Damage, as he shall think reasonable, not exceeding Thirty Shillings nor less than Ten Shillings for each such Lamp so broken, thrown down, or damaged as aforesaid; and in case of Refusal or Neglect to pay any Sum or Sums of Money so awarded, within Three Days after Demand thereof, the same shall be levied and recovered in Manner herein-after mentioned.

Satisfaction to be made for Damage accidentally done to Lamps.

XXXIV. And be it further enacted, That the said Commissioners shall and may, from Time to Time and at all Times after the passing of this Act, direct and order the present or future Pavements of the Footpaths of such of the Streets and Lanes within the said Borough and of *Castlegate* aforesaid, as the said Commissioners, or any Seven or more of them, at any Meeting or Meetings to be called for that Purpose, shall think proper to be taken up, and the said Footpaths to be raised, lowered, altered, and repaired, or new paved, or to be laid with Flag or broad paving Stones, or partly to be paved and partly to be laid with Flag or broad paving Stones, as to them shall seem fit, and the Persons who shall be appointed by them for the Purposes aforesaid, shall and have hereby full Power and Authority to do and perform the same; and if any Person shall at any Time wilfully obstruct, hinder, or molest, any Surveyor or other Officer, Workman, or Person whomsoever, employed by virtue of this Act, in the Performance or Execution of his Duty or Work, every Person so of-

Commissioners to direct the Footpaths to be taken up, &c.

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fending shall, for every such Offence, forfeit any Sum not exceeding Twenty Pounds nor less than Five Pounds:

Breadth of
flagged or
broad Pavement.

XXXV. Provided always, That the Breadth of the flagged or broad Pavements to be laid on any of the said Footpaths as aforesaid, shall not exceed in any one Place Seven Feet.

Expences of
taking up,
&c. Foot-
paths, how to
be paid:

By the Proprietors.

In case of
Proprietor's
Default,

to be paid by
Occupiers.

XXXVI. And be it further enacted, That the Costs, Charges, and Expences incurred, and from Time to Time to be incurred, by the said Commissioners, in taking up, raising, lowering, altering, repairing, or new paving or laying with Flag Stones the said Footpaths as aforesaid, shall be reimbursed to the said Commissioners in Manner following; (that is to say), that the Proprietor of each Messuage, Tenement, Building, Land, or Ground, shall pay to the said Commissioners, or to such Person or Persons as they shall from Time to Time appoint, all Costs and Charges incurred in so raising, lowering, altering, or repairing, or new paving or flagging the Footpath in Front of such Messuage, Tenement, Building, Land, or Ground; and in case any Owner or Proprietor of any such Messuage, Tenement, Building, Land, or Ground, shall neglect or refuse to pay such Costs and Charges, within One Calendar Month next after personal Demand made thereof, or by Notice in Writing under the Hand of the said Surveyor, Clerk, or other Person appointed by the said Commissioners, to be delivered to or left at the Dwelling House of such Owner or Proprietor, if residing within the said Borough, or in *Castlegate* aforesaid; or in case any such Owner or Proprietor shall neglect to pay such Costs and Charges within the Time aforesaid, and the said Owner or Proprietor shall not reside within the said Borough, or in *Castlegate* aforesaid, then and in either of such Cases the said Costs, Charges, and Expences shall be reimbursed to the said Commissioners, and be paid and payable by the Tenant or Occupier of each such Messuage, Tenement, Building, Land, or Ground as aforesaid; and in case any such Tenant or Occupier shall neglect or refuse to pay such Costs, Charges, and Expences, within Fourteen Days after Personal Demand made thereof, or Notice in Writing under the Hand of the said Surveyor, Clerk, or other Person appointed by the said Commissioners, to be delivered to or left at the Dwelling House of such Tenant or Occupier, the same shall and may be levied on every such Tenant or Tenants, Occupier or Occupiers, by Distress and Sale of his, 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 for the said Borough of *Berwick-upon-Tweed*, which Warrant the said Justice or Justices is or are hereby authorized, empowered, and required to grant, upon Information on Oath of such Neglect or Refusal, returning the Overplus (if any) of the Monies raised by such Distress and Sale, after deducting all Costs and Charges attending the same, to the Owner or Owners of such Goods or Chattels so distrained, on Demand; and where any House, Shop, Malthouse, Warehouse, Stable, Building, Court Yard, Garden, Land, Tenement, or Hereditament, shall be let or demised to more than One Tenant or Occupier, any One or more of such Tenants or Occupiers shall be deemed the actual Tenant or Tenants, Occupier or Occupiers, for the Purposes last mentioned, and the said Charges shall be levied by Distress and Sale of all or any of the Goods and Chattels on such respective Premises; and in case any Tenant or Tenants, Occupier or Occupiers, shall remove out of such Messuage, House, Shop, Malthouse, Warehouse, Stable,

Stable, Building, Court Yard, Garden, Land, Tenement, or Hereditament, before such Costs and Charges shall be paid by him, her, or them, or if the Goods and Chattels of such Tenant or Tenants, Occupier or Occupiers, shall not be sufficient to defray such Costs and Charges, or if it shall happen that any of the said Premises shall be untenanted, then and in every such Case such Houses, Shops, Malhouses, Warehouses, Stables, Buildings, Court Yards, Gardens, Lands, Tenements, and Hereditaments, shall be, and the same are hereby made a Security (subject to any Mortgage charged thereon) and chargeable with such Costs and Charges, and the same shall and may be levied by Distress and Sale, by Warrant as aforesaid, of any Goods and Chattels which shall afterwards be found in and upon the respective Premises, or of the Goods and Chattels of the Owner or Proprietor thereof, in case such Owner or Proprietor shall neglect or refuse to pay the same, for the Space of One Calendar Month next after the same shall be personally demanded of him, her, or them, or by Notice in Writing under the Hand of the said Surveyor or Clerk, or other Person, to be delivered to or left at the Dwelling House or usual Place of Abode of such Owner or Proprietor, in case such Owner or Proprietor shall then reside within the said Borough of *Berwick-upon-Tweed* or in *Castlegate* aforesaid; and in case such Owner or Proprietor shall not reside within the said Borough of *Berwick-upon-Tweed* or in *Castlegate* aforesaid, then, in case of such Neglect or Refusal as aforesaid, upon like Notice, all such Charges shall in like Manner be recovered by Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace for the City, County, Riding, Division, Liberty, Town, or Place, where such Owner or Proprietor shall reside, or where such Goods and Chattels shall be found; and it shall be lawful for any Tenant or Occupier, who shall have paid and reimbursed to the said Commissioners such Costs and Charges as aforesaid, or on whom any such Expences shall have been levied, to retain and deduct out of his or her Rent, the Charges and Expences which such Tenant or Occupier shall pay or have levied upon him or her on any of the Accounts aforesaid, and the Owner or Proprietor of such Premises is hereby required to allow such Deductions and Payments, upon the Receipt of the Residue of his or her Rent; and in case any Tenant or Occupier shall pay or have levied upon him or her more Money, on account of such new paving, amending, or repairing as aforesaid, than shall be due from him or her for the Rent of his or her House, Shop, Malhouse, Warehouse, Stable, Building, Court Yard, Garden, Land, Tenement, or Hereditament, the Overplus thereof shall and may be levied on the Owner or Proprietor of such respective Premises, by Distress and Sale of the Goods and Chattels of such Owner or Proprietor, by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace for the County, Riding, City, Division, Liberty, Town, or Place, where such Goods or Chattels shall be found, such Owner or Proprietor having refused or neglected to pay the same, for the Space of One Calendar Month after Demand made thereof by such Tenant or Occupier, his or her Attorney or Agent for that Purpose appointed; and in case it shall happen that any such Owner or Proprietor shall have no Goods or Chattels, or such Occupier shall not be able to find any Goods or Chattels of such Proprietor, whereof Distress and Sale can be made as aforesaid, then and in such Case it shall and may be lawful for such Tenant or Occupier, who shall have so paid or have levied upon him any such

Power to Occupiers to retain Money paid by them out of their Rents.

In case the Tenant can find no Goods of Proprietors whereof Distress can be made, to have an Action at Law against Proprietor.

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Sum or Sums of Money as aforesaid, to commence and prosecute any Action or Actions at Law in any of His Majesty's Courts of Record, against such Owner or Proprietor, for such Sum or Sums of Money.

Footpaths not to be altered, without Consent of Commissioners.

XXXVII. And be it further enacted, That if any Person shall, without the Consent and Approbation of the said Commissioners, make or cause to be made any Alteration in the Form of any of the Footpaths within the said Borough or of *Castlegate* aforesaid, such Person shall, at his or her own Expence, within Fourteen Days after Notice given for that Purpose by the said Commissioners, or their Clerk or Surveyor, put the Pavement, or Flagging or Way which shall have been so altered, into the same Form and Condition as it was in before the making of such Alteration; and in case of Neglect or Refusal so to do, the said Commissioners shall and may cause the same to be done, and the Expence thereof shall be borne and defrayed by the Person who ought to do the same, to be recovered, in case of Non-payment on Demand, in like Manner as any Penalty is herein directed to be recovered.

Footpaths to be swept Three Days in the Week.

XXXVIII. And be it further enacted, That every Occupier of any House or Tenement within the said Borough and of *Castlegate* aforesaid shall Three Times in every Week (to wit) on *Monday, Wednesday, and Friday*, between the Hours of Eight and Ten of the Clock in the Forenoon of the said respective Days, scrape, sweep, and cleanse the Footway all along the Front of their respective Houses or Tenements, or cause the same to be scraped, swept, and cleansed; and in Default thereof shall, for every such Offence, forfeit and pay any Sum not exceeding Five Shillings nor less than One Shilling.

Annoyances how to be prevented.

XXXIX. And be it further enacted, That if any Person or Persons shall, after the said Ninth Day of *June*, run, drive, draw, or place, or cause to be run, driven, drawn, or placed, on any of the said Foot Pavements, any Wheel or Wheels, Sledge, Wheelbarrow, Handbarrow, Truck, or any Carriage whatsoever, or shall roll any Cask for the Space of Forty Yards, or wilfully ride, drive, lead, place, or expose to Sale, any Horse, or other Beast or Cattle, or set, place, or expose to Sale, any Coals, Wood, Timber, Goods, Wares, or Merchandize, on any of the said Footpaths, such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Three Pounds nor less than Forty Shillings.

Nuisances not to be committed.

XL. And be it further enacted, That if any Person shall, after the said Ninth Day of *June*, within any of the said Streets, or other publick Passages or Places, cleanse, scald, or fire any Cask, or hew or saw any Stone, Wood, or Timber, or bind, make, or repair any Waggon, Cart, Carriage, or Wheel, or permit or suffer any Horse, Beast, Swine, or other Cattle to wander or to be at large in any of the said Streets, or other publick Passages or Places, or shall permit or suffer, either by Night or by Day, any Mastiff or Bulldog, or other large Dog, belonging to him or her, and kept for guarding his or her House or Yard, to stray, wander, or go at large in any of the said Streets, or other publick Passages or Places, unless such Dog shall be properly and securely muzzled, or shall make or assist in the making of any Fires, commonly called *Bonfires*, or shall set Fire to, or let off or throw any Squib, Rocket, Cracker, or other Firework, or shall sift, screen, or slack any Lime, or cause the same to be done (except within such

Inclosure

Inclosure as is herein-after mentioned) in any of the said Streets, Lanes, or publick Passages or Places, every such Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings nor less than Five Shillings.

XLI. And be further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, by Writing under their Hands, to give Liberty and Licence to any of the Proprietors or Inhabitants within the said Borough or of *Castlegate* aforesaid, or their Builders or Workmen, to make proper Inclosures before their respective Houses, or in such other convenient Place within the said Borough or of *Castlegate* aforesaid, as the said Commissioners, or any Five or more of them, shall for that Purpose appoint, in order to the pulling down, rebuilding, or repairing of the same, or for making or repairing any Vault, Drain, or Building belonging thereto, and for laying the necessary Materials for the same, and the Rubbish arising therefrom; and no Person or Persons acting under such Licence, and in pursuance thereof, shall, during the Time to be limited in such Licence, be subject or liable to any of the Penalties aforesaid, for or in respect of any Matter or Thing which shall be done by him or them, by virtue and in pursuance of, and conformable to the said Licence; any Thing in this Act contained to the contrary hereof in anywise notwithstanding.

Commissioners may give Liberty to erect Fences for inclosing building Materials, &c.

XLII. Provided always, and be it further enacted, That nothing herein contained shall oblige any Person or Persons to take out such Licence as aforesaid, for the immediate and necessary Repair of any House, Vault, Drain, or Building, so as the Materials used for the same are not suffered to be and continue in any publick Street, Lane, or Passage within the said Borough or of *Castlegate* aforesaid, for a longer Space of Time than Eight Days, and so as such Reparation be fully completed within the said Time, and so as such Materials shall be laid in such Part of the publick Street, Lane, or Passage, as to occasion the least Inconvenience or Obstruction possible in such publick Street, Lane, or Passage.

In what Case Licence need not be taken out.

XLIII. And be it further enacted, That if any Waggon, Cart, or other Carriage, shall be left to remain in any of the said Streets, or other publick Passages or Places, with or without Horses or other Cattle, for any longer Time than shall be necessary for the loading or unloading thereof (unless for the necessary Repairs in Cases of Accident), or if any Stage Coach, Post Chaise, or other Carriage let to hire, shall be left to stand or remain in any such Street, Passage, or Place, with or without Horses, for any longer Time than shall be necessary for taking up or setting down the Passengers, or for loading or unloading the Baggage or Goods, (except in such Place or Places as the said Commissioners, or any Five or more of them, shall appoint for the placing of Carriages in the Night Time, and which they are hereby authorized to do accordingly), or if any Coals, Timber, Bricks, Stones, Slates, Hay, Straw, Dung, Wood, Boards, Tubs, Goods, Wares, Merchandize, Materials, or other Things whatsoever, shall be laid or placed, and left to remain in any of the said Streets, or other publick Passages or Places, for any longer Time than shall be necessary for removing or housing the same, and if in the Night Time without a sufficient Light being found and provided, to prevent Mischief happening to Pas-

Obstructions how to be prevented.

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engers and Carriages; or if any Ashes, Rubbish, Dust, Dirt, or other Nuisance or Annoyance, shall be thrown, cast, or laid in any of the said Streets, or other publick Passages or Places; and suffered to remain for any longer Time than shall be necessary for the Purpose of removing the same; and if in the Night Time without a sufficient Light being found and provided, to prevent Mischief happening to Passengers and Carriages, then and in every such Case the Owner or Driver of every such Carriage, and the Owner or Owners of every such Horse, and the Owner or Owners of every such Coals, Timber, Bricks, Stones, Slates, Hay, Straw, Dung, Wood, Boards, Tubs, Goods, Wares, Merchandize, Materials, or other Things which shall be left or suffered to remain as aforesaid, and the Person who shall throw, cast, or lay any Ashes, Rubbish, Dust, Dirt, or other Nuisance or Annoyance, shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Shillings nor less than Five Shillings, and any One or more of the said Commissioners, or any of their Officers, or any other Person, without any Peace Officer or other Person present, shall and may, either by Day or by Night, seize or cause to be seized any Waggon, Cart, or other Carriage, Stage Coach, Post Chaise, or other Carriage so placed, or suffered to stand or continue, contrary to the true Meaning of this Act, together with the Horse or Horses thereunto belonging or affixed (if any), or the Coals, Timber, Bricks, Stones, Slates, Hay, Straw, Dung, Wood, Boards, Tubs, Goods, Wares, Merchandize, or other Things so laid and placed as aforesaid, and remove the same, or cause the same to be removed to any Pound within the said Borough or the Liberties thereof, or to such other Place or Places as shall be appointed for that Purpose by the said Commissioners, or any Five or more of them, there to be kept and detained until the Owner or Owners thereof, or his or their known Servant or Servants, shall claim the same, and pay to the Person or Persons in whose Custody the same shall be, any Sum not exceeding Twenty Shillings nor less than Five Shillings, together with the Charges of removing and keeping the same; and in case the same shall not be claimed, and the Penalty and Charges paid, within the Space of Eight Days next after such Seizure, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to cause the same to be appraised and sold, and the Money arising therefrom shall be applied to the same Uses and Purposes, as the Monies arising from the Rates or Assessments are hereby directed to be applied; provided, that if any Waggon, Cart, or other Carriage, Stage Coach, Post Chaise, or other Carriage shall be so left as aforesaid, or any Coals, Timber, Bricks, Stones, Slates, Hay, Straw, Dung, Wood, Boards, Tubs, Goods, Wares, Merchandize, Materials, or other Things shall be laid or placed, and left as aforesaid, and the same shall not be seized as aforesaid, the Owner or Owners of every such Carriage, and the Owner or Owners of such Coals, Timber, Bricks, Stones, Slates, Hay, Straw, Dung, Wood, Boards, Tubs, Goods, Wares, Merchandize, Materials, or other Things which shall be so left or suffered to remain as aforesaid, shall nevertheless forfeit and pay any Sum not exceeding Twenty Shillings nor less than Five Shillings for every such Offence, by such Waggon, Cart, or other Carriage, Stage Coach, Post Chaise, or other Carriage being so left as aforesaid, or such Coals, Bricks, Timber, Stones, Slates, Hay, Straw, Dung, Wood, Boards, Tubs, Goods, Wares, Merchandize, Materials, or other Things being so placed and left as aforesaid.

XLIV. And

XLIV. And be it further enacted, That when any Cart, Dray, Waggon, or other Carriage for the Conveyance of Goods, shall be drawn by any One or more Horse or Horses, in any Street, Lane, Way, or Place, within the said Borough or *Castlegate* aforesaid, or the Quays and Wharfs and that Part of the Bridge aforesaid, the Person driving or having the Care of each such Cart, Dray, Waggon, or other Carriage, shall not ride within or upon the same, or on the Shafts thereof, but shall walk on Foot by the Side of the Shaft or Thill Horse, and guide such Shaft or Thill Horse by holding in his Hand a Cord, Rein, or Halter, not exceeding One Yard and an Half in Length, fastened to the Head of such Shaft or Thill Horse, on Pain of forfeiting, for every such Offence or Omission, any Sum not exceeding Ten Shillings nor less than Five Shillings.

Drivers not to ride upon Carriages for Conveyance of Goods:

XLV. And be it further enacted, That if any Person shall, at any Time after the said Ninth Day of *June*, drive any Cart, Dray, Waggon, or other Carriage for the Conveyance of Goods, in or through any of the Streets, Lanes, and Passages of the said Borough, or of the Street of *Castlegate* aforesaid, or on the Quays and Wharfs aforesaid, or on that Part of the Bridge aforesaid, at a faster Pace than a Walk, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Shillings nor less than Five Shillings.

Nor to drive such Carriages faster than a Walk.

XLVI. And whereas the shewing of Stone Horses or Stallions in the said Streets, has been found very dangerous to the Inhabitants, be it therefore enacted, That if after the said Commissioners shall have ascertained and appointed a Place within or near the said Borough, for the Purpose of shewing Stallions (and which the said Commissioners are hereby empowered to do) any Person shall shew any Stone Horse or Stallion in any other Part of the said Borough, every such Person shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings.

Stallions not to be shewn in any other Place than that to be appointed by the Commissioners.

XLVII. And be it further enacted, That the respective Occupiers of Houses and other Buildings within the several Streets, and other publick Passages and Places as aforesaid, shall and are hereby required, at their own Costs and Charges, within such Time and in such Manner as the said Commissioners shall from Time to Time think necessary, and by Notice in Writing under their Hands, to be delivered to such respective Occupiers, or left at their respective Dwelling Houses, direct and appoint, to cause all Signs which now belong, or hereafter shall belong, to such respective Houses or other Buildings, and which are not placed flat on the Fronts thereof, to be taken down and placed flat on the Fronts of such Houses or other Buildings; and all Sign Irons, Sign Posts, and other Posts, Sheds, Pent Houses, Spouts, Gutters, Steps, Window Shutters, Rails, Pales, Palisadoes, Porches, Bulks, Shew Glasses, and Shew Boards, and other Encroachments, Projections, and Annoyances, belonging or which hereafter shall belong to such respective Houses and Buildings, and which obstruct the free Passage along the Carriage or Foot Ways of any of the said Streets and publick Passages and Places, to be removed, altered, or reformed; and in case any such Occupier shall neglect or refuse so to do, it shall be lawful for the said Commissioners, or any Seven or more of them, to cause the same to be done, and the Costs and Charges attending the same shall be paid by such Occupier to the Treasurer of

Signs, &c. to be regulated.

of the said Commissioners; and in Default of Payment thereof upon Demand, the same shall be levied by Distress and Sale of the Goods and Chattels of such Occupier, by Warrant under the Hand and Seal of any Justice of the Peace for the said Borough, rendering the Overplus (if any) when demanded, to the Person whose Goods and Chattels shall be so distrained and sold; and if any Tenant of any such House or other Building shall remove, alter, or reform any such Encroachments, Obstructions, and Annoyances as aforesaid, or if any such Costs and Charges shall be levied on the Goods and Chattels of any such Tenant as aforesaid, it shall be lawful for him or her to deduct and retain the Charges and Expences of removing, altering, or reforming the same, and also any Money which shall or may be levied upon his or her Goods and Chattels as aforesaid, or such Part thereof as the said Commissioners shall judge reasonable, out of his or her Rent; and the Owner, Proprietor, or Landlord of such House or other Building, is hereby required to allow the same accordingly: Provided always, That nothing herein contained shall extend to the stopping up of any Cellar Window, where there shall be no other Way from the Street into such Cellar, unless the said Commissioners shall make or provide some other commodious and sufficient Way into such Cellar.

To prevent
Encroach-
ments in
future.

XLVIII. And, in order to prevent any Encroachments or Projections into any of the Streets within the said Borough or of *Castlegate* aforesaid, for the future, be it further enacted, That the Walls of all Houses or other Buildings, and all other Walls whatsoever, which shall hereafter be built next to and adjoining upon any of the Streets within the said Borough or of *Castlegate* aforesaid, shall be carried up and built perpendicularly from the Foundation, and without any Projection into the Streets of any Sort or Kind whatsoever; and if any Person shall hereafter presume to build any Wall next to and adjoining upon any of the said Streets in any other Manner than as aforesaid, or to build or make any Bow Window, or other Window or Thing whatsoever, which shall in any Manner project into any of the said Streets of the said Borough or of *Castlegate* aforesaid, contrary to the true Intent and Meaning hereof, or cause the same to be done, it shall be lawful for the said Commissioners, or any Seven or more of them, and they are hereby authorized and empowered, by an Order under their Hands and Seals, to cause all such Bow Windows, or other Windows or Things which shall in any Manner project into any of the said Streets of the said Borough or of *Castlegate* aforesaid, to be taken down by any Person, Workman, or Persons, as they shall think fit, and the Costs and Charges of taking down the same shall be paid and reimbursed to the said Commissioners by the Person or Persons who built, or caused such Bow Window, or other Window or Projection, to be made or built, contrary to the Directions of this Act; and if any Person or Persons shall obstruct, hinder, molest, or prevent any Person or Persons who shall be employed by the said Commissioners, or any Seven or more of them, to take down any such Bow Window, or other Window or Projection, which shall have been made or built contrary to the Directions hereof, every such Person and Persons shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Commission-
ers may ex-
empt poor

XLIX. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, from Time to Time, at any

any Meeting to be held in pursuance of this Act, to exempt and discharge, at their Discretion, the Occupier or Occupiers of any House, Shop, Warehouse, Coach House, Stable, Cellar, Vault, Building, Garden, Court Yard, or Tenement, from the Payment of the Rate or Rates, Assessment or Assessments, or any Part thereof, by this Act authorized to be laid upon such House, Shop, Warehouse, Coach House, Stable, Cellar, Vault, Building, Garden, Court Yard, or Tenement, in case such Occupier or Occupiers shall, in the Judgement of the said Commissioners, or any Five or more of them, be deemed unable, by reason of his or their Poverty, to pay the same.

Persons from
Payment of
the Rates.

L. Provided always, and be it further enacted, That nothing in this Act contained shall extend in any way to change, lessen, abridge, impeach, annul, or destroy any Rights, Privileges, Jurisdictions, Immunities, or lawful Customs granted or confirmed by Charter to the Mayor, Bailiffs, and Burgeses of the said Borough of *Berwick-upon-Tweed*.

Saving the
Rights of the
Corporation
granted by
Charter.

LI. And be it further enacted, That all the Penalties and Forfeitures herein-before mentioned to be recoverable before the said Justices of the Peace, when recovered, shall be paid and applied as follows; (that is to say), One Moiety thereof to the Informer, and the other Moiety thereof into the Hands of the Treasurer, to be laid out and applied to and for such Uses and Purposes as the said Commissioners, or any Seven or more of them, shall under their Hands direct and appoint.

Forfeitures
how to be ap-
plied.

LII. And be it further enacted, That the Mayor for the Time being, or any One or more Justice or Justices of the Peace for the said Borough of *Berwick-upon-Tweed*, shall and may hear and determine any of the Offences which are herein made subject to and punishable by any pecuniary Penalties directed to be levied by this Act, and not herein before directed to be levied by the said Commissioners, and such Mayor, Justice or Justices, are hereby authorized and required, upon any Information or Complaint made in that Behalf, within Three Calendar Months after such Offence committed, to summon the Party or Parties accused, and the Witnesses on each Side, and after Oath made of the Commission of either of the Facts above mentioned by One or more credible Witness or Witnesses, to issue a Warrant or Warrants for the apprehending the Party or Parties so offending, and upon the Appearance, or Contempt of the Party accused in not appearing, without sufficient Excuse having been alleged (upon Proof of Notice given) to proceed to the Examination of the Witness or Witnesses upon Oath (which Oath such Mayor, or Justice or Justices, is and are hereby authorized and required to administer) and to give Judgement, Sentence; or Determination, as shall be just and conformable to the true Intent and Meaning of this Act; and where the Party accused shall be convicted of the said Offence upon such Information as aforesaid, on Confession, or Non-appearance of the Party accused such Mayor, Justice or Justices, shall and may issue a Warrant or Warrants for levying the pecuniary Penalties and Forfeitures so adjudged, by Distress on the Goods and Chattels of the Offender or Offenders, and to cause Sale to be made thereof (in case they shall not be redeemed in Five Days) returning to the Party the Overplus (if any be) after deducting the said Penalty or Penalties, and

Mayor, &c.
to hear and
determine
Offences
against this
Act.

the Charges of such Distress and Sale; and in case any Person or Persons shall be convicted in pursuance of this Act, of taking away, breaking, or damaging any Lamp to be hung or set up as aforesaid, or wilfully extinguishing the Light or Lights within the same, or damaging the Irons, Posts, or Furniture thereof, and no Goods or Chattels of any Person so offending can, at the Time of such Conviction, be found within the said Borough of *Berwick-upon-Tweed*, or *Castlegate* aforesaid, then and in such Case the said Mayor, or the Justice or Justices of the Peace before whom such Person or Persons shall be convicted as aforesaid, shall and may impose any Fine or Penalty on any such Offender not exceeding Five Pounds nor less than Twenty Shillings; and in case the same shall not be paid within the Space of Five Days next after such Conviction, then the said Mayor, or the Justice or Justices, shall and may commit such Offender to the Gaol of the said Borough, there to be kept for any Time not exceeding the Space of Three Calendar Months; and in case any Person or Persons, who shall be awarded to pay any Sum or Sums of Money by way of Satisfaction for Damage, in carelessly or accidentally breaking, throwing down, or otherwise damaging any of the said Lamps, shall neglect or refuse to pay the Sum or Sums of Money so awarded, within Three Days after Demand thereof made, then and in such Case the said Mayor, or Justice or Justices, who shall have awarded Satisfaction as aforesaid, shall and may cause the same, by Warrant under his or their Hand and Seal, or Hands and Seals, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons who shall have so done such Damage, rendering to him, her, or them, the Overplus (if any) after deducting the Costs and Charges of such Distress and Sale, when demanded; and in case no sufficient Distress can be found, such Mayor, or Justice or Justices, shall and may, by like Warrant, commit the Person or Persons so neglecting or refusing to pay the Sum or Sums so awarded, to the said Gaol, for any Time not exceeding the Space of Ten Days, or until he, she, or they shall make such Satisfaction as aforesaid.

Distress not to be illegal for want of Form.

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

Power to tender Amends.

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

given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

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

No Conviction to be quashed for Want of Form, or removed.

LVI. And be it further enacted, That Three or more of the said Commissioners present at any Meeting shall and may proceed to act and do any Matter or Thing in the Execution of this Act, in all Cases except those for which a greater Number of Commissioners is herein particularly required to be present.

Quorum of Commissioners to act in common Cases.

LVII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty-one Days Notice shall be thereof given in Writing to the Treasurer or Clerk to the said Commissioners, or after Six Calendar Months next after the Fact committed for which such Action or Actions, Suit or Suits, shall be so brought; and every such Action shall be brought, laid, and tried, in the Borough of *Berwick-upon-Tweed*, and not elsewhere; and that the Defendant or Defendants in such Actions or Suits, and every of them, may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear to be so done, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid; or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Actions, or if upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein, then and in either of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs, in any other Cases in Law.

Limitation of Actions.

General Issue.

LVIII. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prevent the Corporation of *Berwick*, or any other Person or Persons, from having or taking any legal Remedy against any Person or Persons for any Encroachments or Nuisances that are or shall be made within the said Borough or in *Castlegate* aforesaid, or for any of the Annoyances or Obstructions herein-before authorized to be prevented or avoided, or in any other Manner to pre-

Act not to prevent the Corporation or any others from taking a legal Remedy against Encroachments.

judice, lessen, or defeat any legal Power, Privilege, Franchise, or Authority of the said Corporation, or any of the Juries or Officers of their Courts or Leets within the said Borough, (save only the Power and Authority if any such there shall be, of preventing or hindering in any Respect the Execution of this Act, or of punishing any Person or Persons who shall have been before punished by virtue of this Act for the same Offence), but that the said Corporation, Juries, and Officers respectively, shall and may exercise and enjoy all and every such Powers, Privileges, Franchises, and Authorities (save only as before is saved) in as full and ample a Manner, to all Intents and Purposes, as they have heretofore used to do, and of Right could or might have done, in case this Act had not been made.

Publick Act.

LIX. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons, without specially pleading the same.

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