



ANNO QUADRAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 66.

An Act for enlarging and improving the Market Place within the Town of *Rotherham*, in the West Riding of the County of *York*, and for widening and rendering more commodious the Streets and Avenues leading thereto; and for cleansing, lighting, and regulating the Streets and other publick Passages and Places within the said Town.

[20th June 1801.]

WHEREAS the Town of *Rotheram* in the West Riding of the County of *York*, is a populous and trading Town, and publick Markets have for Time immemorial been held there on certain Days in every Week, and a publick Fair twice in every Year: And whereas the present Market Place is inconvenient for the Purposes of the said Market, and the Passage along the publick Streets is greatly obstructed and rendered inconvenient to Passengers and Travellers by the Number of Stalls placed therein on Market Days, and great Nuisances are frequently committed by slaughtering Sheep and Cattle in the said publick Streets or in Places open thereto: And whereas it would be a very great Benefit and Convenience to the Inhabitants of the said Town, and others frequenting the said Markets, if the present Market Place was enlarged, and proper Shops, Sheds, Stalls, Slaughter Houses, and other

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other Buildings and Conveniencies were erected, and the Streets and Avenues leading thereto widened and improved: And whereas the several Persons hereafter named are willing and desirous to undertake the making and completing such Buildings and Improvements as aforesaid, upon the Terms and Conditions, and subject to the Regulations and Directions herein-after mentioned: And whereas the several Streets and other publick Passages and Places within the said Town of Rotherham are not sufficiently cleansed and lighted, and are subject to various Encroachments, Obstructions, Nuisances, and Annoyances; and it would tend greatly to the Benefit and Convenience of the Inhabitants of the said Town, and all Persons resorting to and passing through the same, if the said Streets and other publick Passages and Places were properly cleansed, lighted, and regulated, and all Encroachments, Obstructions, Nuisances, and Annoyances removed and prevented in future; but the several Purposes aforesaid cannot be effected 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 Right Honourable Richard Earl of Effingham, the Right Honourable William Earl Fitzwilliam, Joshua Walker Esquire, the acting Greave or Officer of the Feoffees of Rotherham for the Time being, Samuel Tooker Esquire, John Coupland, Richard Holden, Joseph Flint, George Harvey, Jonathan Lawton, Thomas Walker Esquire, Joseph Turner, Thomas Carnelley, Richard Stanley, William Pullin, William Wildsmith, Elizabeth Nightingale, William Ridgway, Jonathan Walker Esquire, Thomas Downes, John Hall Junior, William Beatson, Thomas Hattersley, John Hirst, Joseph Walker Esquire, Thomas Wright, Nathaniel Costas, William Mapplebeck, John Chapman, Samuel Walker Esquire, John Savile Folsjambé Esquire, Anthony Firth, Joseph Johnson, John Foster, Mary Kay, John Smith, George Broadhead, Richard Wilson, John Earnshaw, Thomas Parker, Isaac Milburn, Samuel Oliver, James Taylor, Thomas Shearman, and George Aldred, and their several and respective Successors, Executors, Administrators, and Assigns, together with such Person or Persons as shall at any Time hereafter be possessed of One or more Share or Shares as hereafter mentioned, of the Money to be advanced for carrying this Act into Execution, shall by and are hereby united into a Company for the making and completing the proposed Buildings and Improvements, according to the Rules and Directions hereafter mentioned and expressed, and shall for that Purpose be a Body Politick and Corporate, by the Name of *The Company of Proprietors of the Rotherham Market Place*, and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and also shall and may have Power and Authority to purchase Lands and Tenements for the Purposes of this Act, as hereafter mentioned.

Company of
Proprietors.

Proprietors
Meetings.

II. And be it further enacted, That for the better carrying this Act into Execution, the said Company of Proprietors shall hold their First Meeting at the *Crown Inn* in Rotherham aforesaid, on the Twenty-eighth Day next after the passing of this Act, and One General Meeting shall be held on the First *Wednesday* in *May* in every Year, at or before the Hour of *Eleven* in the Forenoon, at some convenient Place within the said Town of Rotherham, at which said First General Meeting, and at every future General Annual Meeting, the Proprietors assembled shall choose Five

or

or more Persons, being respectively Proprietors of One or more Shares in the said Undertaking, to be a Committee to manage the Affairs of the said Company of Proprietors in such Manner as is herein directed; but if at any Time it shall appear to any Five or more of such Proprietors, that for the more effectually putting this Act in Execution, an occasional General Meeting of Proprietors is necessary to be held, it shall be lawful for such Five or more of them, by Notice to be affixed on the Door of the Parish Church of *Rotherham* aforesaid, during the Time of Divine Service on a Sunday, at least One Week before such intended General Meeting, and also by such other Manner as the said Proprietors at any General Meeting shall direct, and also specifying in every such Notice the Reason for and Intention of such Meetings respectively; and the Proprietors are hereby authorized to meet pursuant to such Notice, and proceed to the Execution of the Powers by this Act given with respect to the Matters so specified only; and that at all such General Meetings (whether the same shall be annual or special) the Proprietors present shall have One Vote for each Share such Proprietors shall respectively possess, and the Majority of such Votes shall be binding upon the Remainder of the said Proprietors; and at every such Meeting a Chairman shall be chosen, who, in case of an Equality of Votes upon any Question (including the Chairman's Vote or Votes) shall have a further or casting Vote.

A Committee to be chosen.

Occasional General Meetings.

Chairman to be appointed.

III. And be it further enacted, That it shall be lawful for the said Company of Proprietors at their said First General Meeting, or at any future General Meeting, from Time to Time to nominate and appoint One fit and proper Person to be Clerk and Treasurer to the said Company of Proprietors, with such Salary as the said Company of Proprietors shall think proper, and the said Company of Proprietors shall and are hereby required to take such Security from every such Clerk and Treasurer for the due and faithful Execution of his Office as they shall think necessary and proper; and which said Clerk and Treasurer shall from Time to Time enter all the Proceedings of the said Company of Proprietors and their Committee, and all Accounts of Monies received and expended on Account of the said Undertaking, in Books to be provided for that Purpose; and shall also from Time to Time receive and collect from the said Company of Proprietors the several Calls of their Subscriptions to the said Undertaking, which shall be made by the said Committee or any General Meeting, and keep a just Account thereof, subject to the Controul of the said Committee; and that at every such General Annual Meeting, all the Accounts of the said Clerk and Treasurer with the said Company of Proprietors shall be settled and adjusted.

A Clerk and Treasurer to be appointed.

IV. Provided always, That such Committee and Clerk and Treasurer shall be from Time to Time subject to the Examination and Controul of the said Annual or Special General Meetings of the said Company of Proprietors, and shall pay due Obedience to all such Orders and Directions in and about the Premises as they shall from Time to Time receive from the said Company of Proprietors at any such General Meetings, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Committee and Clerk to be under the Controul of the General Meetings.

V. And, to the End that the said Company of Proprietors may be enabled to carry on the said Undertaking, be it further enacted, That it

Money to be raised by voluntary Subscriptions;

to be divided
into Shares of
50l. each.

shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, to raise and contribute amongst themselves, by voluntary Subscriptions and Contributions, the Sum of Four thousand one hundred and fifty Pounds, and the Money so raised and contributed shall be divided into Shares of Fifty Pounds each; and the Money so to be raised shall be applied, in the First Place, in defraying such proportionable Part of the Charges and Expences of obtaining and passing this Act, as the Commissioners first herein-after nominated and appointed shall order and direct, and the Remainder thereof in the Purchase of the necessary Lands, Messuages, Tenements, and Hereditaments, for enlarging the said Market Place, and widening and improving the Streets and Avenues leading thereto, and erecting proper Shops, Sheds, Stalls, Slaughter Houses, and other Buildings and Conveniences as aforesaid, and in defraying all other necessary Charges and Expences concerning the same, and for no other Use or Purpose whatsoever.

No one to act
as a Proprietor
who is not pos-
sessed of One
whole Share.

VI. Provided always, That no Person who shall not be possessed of One whole Share shall be capable of acting or voting as a Proprietor for any of the Purposes of this Act.

Shares to be
deemed Per-
sonal Estate.

VII. And be it further enacted, That all such Shares, or any Part or Parts thereof, shall be and are hereby vested in the several Subscribers and Contributors thereto, and their several and respective Executors, Administrators, and Assigns, and shall be deemed to be Personal Estate, and not in the Nature of Real Property.

Power to raise
more Money,
if necessary, by
Mortgage.

VIII. And be it further enacted, That in case the several Sums of Money subscribed by the said Company of Proprietors shall be insufficient for completing the said proposed Undertaking and Improvements, it shall and may be lawful for the said Company of Proprietors to raise, by the Admission of new Proprietors or Subscribers, or to borrow and take up at Interest, upon the Credit of the said Undertaking, such Sum and Sums of Money as may be necessary for the Purposes of this Act; and for securing the Re-payment thereof with Interest, to mortgage, demise, or assign the said proposed new Buildings, Land, or Ground, or the Rents and Profits thereof, to any Person or Persons who shall be willing to advance the same; but no Money shall be borrowed by virtue of this Act, or so raised by the Admission of new Proprietors or Subscribers, after the said First Meeting of the said Company of Proprietors, unless Twenty-one Days Notice of the Meeting for the borrowing or raising of such Money shall be given as herein-before directed.

Mortgagee
not to be
deemed a
Proprietor.

IX. Provided always, That no Person to whom any such Mortgage, Demise, or Assignment shall be made as aforesaid, shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such, on account of having advanced any Money on the Credit of the said Undertaking.

Calls to be
made, and
how to be
recovered.

X. Provided always, and be it further enacted, That the said Committee shall from Time to Time make such Calls for Money so subscribed for the Purposes of the said Undertaking, as they shall think proper, not exceeding Ten Pounds *per Centum* at any One Time, giving to each Subscriber Twenty one Days Notice in Writing of each such Call; and if any Person shall neglect or refuse to pay his or her rateable Part or Share of the said

Monies

Monies subscribed, required to be paid by any such Calls within the Time required by such Notice, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case; and that in case any such Person shall neglect or refuse to pay his or her rateable Part or Share of the Monies so called for as aforesaid, within the Space of Three Calendar Months after the Expiration of the Time appointed as aforesaid, and the same shall not have been sued for or recovered, then and in such Case the Share or Shares of such Person so neglecting or refusing as aforesaid, shall become forfeited, and shall be divided amongst the Remainder of the said Company of Proprietors, together with all Benefit and Advantage thereof, in Proportion to their respective Interests and Shares in the said Undertaking.

XI. Provided always, That no Member of the said Committee, though he may be a Proprietor of several Shares, shall have more than One Vote in the said Committee, except the Chairman of such Committee, who in case of an equal Division or Number of Votes upon any Question, shall have a further or casting Vote.

Committee to have only One Vote each.

XII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, by themselves or their Agents, to treat, contract, and agree with the Owners of or Persons entitled to the several Freehold Pieces or Parcels of Ground, Messuages, Tenements, Shops, and Hereditaments situated near to the present Market Place and Shambles, and lying betwixt the open Space where the Building called *The Butter Market* stands, and the Street where the present Shambles are, called *Cburch Street*, now or late belonging to Messieurs *Jackson* and *Hattersley*, *George Harvey*, *John Scholey*, *Samuel Buck* Esquire, the Earl of *Effingham*, *George Kirk*, the Heirs or Devisees of *John Nightingale*, *Widow Robinson*, *Jonathan Lawton*, *Martha Flatber*, *William Pullin*, *Thomas Bingley*, and *Mary Key*; and also a Messuage or Tenement with its Appurtenances, now or late belonging to or in the Occupation of *George Broadhead*, commonly called *The Nag's Head*; also the several Tenements, Buildings, Shops, Outhouses, and Premises lying on the South Side of the Space now called *The Shambles*, and Part whereof extends through to the East End of the Street called *Westgate*, and to *Domine Well Lane*, now or late belonging to the said *William Pullin*, the Heirs or Devisees of the said *John Nightingale*, *William Condell*, *Rotherham Churchwardens*, the said *Jackson* and *Hattersley*, the said Earl of *Effingham*, the Feoffees of *Rotherham*, *George Harvey*, and *Anthony Firth*; and also the Market House or Building called *The Butter Market*, situated in the open Space behind the present Shambles; and also the several Messuages and Tenements, Shops, Hereditaments, and Premises lying on the North Side of the said Space called *The Shambles*, now or late belonging to Mr. *John Coupland* and *Thomas Bingley*; and also all those Messuages, Tenements, Lands, and Buildings lying Westwards of the said *Butter Market*, and extending to the River *Dun*, formerly Part of a Place called *Swallow Orchard*, and now or late belonging to the Devisees or Heirs of *Phipps*, deceased, with all the Appurtenances to the said several Premises respectively belonging, or by whatsoever other Names or Descriptions the same or the Owners thereof, or of any Part thereof, ought to be respectively described, for the absolute Purchase thereof, or of such Part thereof as shall be necessary for perfecting the said Undertaking; which said Premises

Power to purchase Premises.

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when

when purchased shall be respectively conveyed to and vested in the said Company of Proprietors in Fee Simple as herein-after directed, and such Part or Parts of the publick Streets adjoining to the said Premises so to be purchased as shall be necessary for perfecting the said proposed Improvements, shall also be and remain vested in the said Company of Proprietors for the Purposes of this Act.

Persons under legal Disabilities empowered to treat.

XIII. And be it further enacted, That it shall be lawful for all Bodies Politick or Corporate, Trustees and Feoffees in Trust, Guardians, Committees of Lunatics or Idiots, Executors, Administrators, and all other Trustees not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, Infants, Lunatics, Femes Covert, and for all other Persons whomsoever, who are or shall be seised, or possessed of or have any Estate, Right, Title, or Interest in any Ground, Messuages, Tenements, Buildings, or Hereditaments which shall or may be necessary to be made use of or taken down for the Purposes of this Act, to treat, contract, and agree with the said Company of Proprietors, or their Agent or Committee, for the absolute Sale thereof, and to convey and assure the same according to the Directions of this Act; and that all Contracts, Agreements, Sales, and Conveyances, which shall be made by virtue and in pursuance of this Act, shall without any Fine or Fines, Common Recovery or Recoveries, be good, valid, and effectual, to all Intents and Purposes whatsoever, any Law or Statute to the contrary hereof notwithstanding.

Commissioners Names.

XIV. And whereas Differences may arise between the said Company of Proprietors and the several Owners of and Persons interested in the Ground, Messuages, Tenements, Buildings, and Hereditaments to be purchased for the Purpose of this Act; be it therefore enacted, That the Reverend *James Wilkinson*, *Robert Athorpe Athorpe Esquire*, the Reverend *Philip Howard*, *Hugh Parker Esquire*, the Reverend *Christopher Alderson*, the Reverend *James Lowe*, *William Parkin Bosville*, *John Knight*, *Gamaliel Milner*, *Charles Newton*, *George Buxton Groaves*, *Francis Edmunds*, and *George Lemptiere*, Esquires, *John Brown* and *Benjamin Wainwright* Doctors of Physic, the Reverend *John Cannon*, the Reverend *Thomas Dundas*, the Reverend *Creed Turner*, and the Reverend *Thomas Bayliffe*, shall be and are hereby constituted and appointed Commissioners for the settling, determining, and adjusting all such Questions, Matters, and Differences as shall come before them relating to the Execution of this Act.

New Commissioners how to be appointed.

XV. And be it further enacted, That as often as the Commissioners appointed by this Act as aforesaid, or to be elected as herein-after mentioned, shall, by Death or Refusal to act, be reduced to the Number of Five, it shall be lawful for the surviving Commissioners (or in case of the Decease of all the said Commissioners, for the Vicar of *Sheffield* and the Vicar of *Rotherham* aforesaid, and the Vicar of *Ecclesfield*, in the said County of *York*, for the Time being, or any Two of them) by Writing under their Hands, to appoint such other fit Persons as they shall think proper to be Commissioners in the Place and Stead of the Commissioners dying or refusing to act as aforesaid; and every such new Commissioner shall have the same Powers and Authorities as the Commissioner in whose Place he shall be appointed was vested with by virtue of this Act.

XVI. Provided

XVI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner for the Purposes herein-before specified, unless at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of Lands, Tenements, or Hereditaments situated within the Upper Division of *Strafforth* and *Tickhill*, in the said West Riding of the County of *York*, of the clear yearly Value of One hundred Pounds above Reprizes, or possessed of or entitled to a Personal Estate of the Value of Two thousand Pounds over and above all his Debts; and in case any Person not so qualified shall presume to act as a Commissioner for the Purposes aforesaid, or in case any Person who shall at the Time of acting be interested or concerned in any Matter in question, shall presume to act as a Commissioner in the determining of such Matter, 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 in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, Bill, Suit, or Information; and every such Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty upon Proof given of his having acted as a Commissioner in the Execution of this Act.

Qualification
of Commis-
sioners.

XVII. And be it further enacted, That upon any Application to be made to the said Commissioners, or any Three or more of them, by the said Company of Proprietors, their Committee or Clerk, or the Owner or Occupier of any Land, Messuages, Tenements, or Hereditaments intended to be purchased for the Purposes of this Act, or by any other Person or Persons interested in any Matter to be determined by the said Commissioners, requesting them to appoint a General Meeting, the Commissioners so applied to, or any Three or more of them (although not assembled at a Meeting in pursuance of this Act) shall and they are hereby authorized and required, within Five Days after such Application, to give Notice in such Manner as they shall think proper, appointing a General Meeting to be held at some convenient Place within the Town of *Rotterdam* aforesaid, at such Time as shall be specified in such Notice, not being less than Fourteen Days from the Day on which such Notice shall be given as aforesaid; and the said Commissioners are hereby authorized, empowered, and required to assemble at the Time and Place so to be appointed, in order to put the Powers and Authorities hereby given to and vested in them in Execution, and may adjourn themselves to such Time and Place as the Majority of the Commissioners then present shall think proper; but if there shall not be Three Commissioners present at such Meeting, then any One Commissioner who shall be present may, by Notice to be given in Manner aforesaid, appoint the said Commissioners to meet at the Place where the last Meeting was appointed to be held, on that Day Fortnight next after the Day of such Meeting.

Commis-
sioners to
meet when
called upon.

XVIII. Provided always, That such of the Commissioners for the Purposes aforesaid, who are or shall be in the Commission of the Peace for the West Riding of the County of *York* for the Time being, shall and may, and are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners.

Commis-
sioners may
act as Justices.

XIX. And

-In case of
Difference
about the
Price, how
to be settled.

If the Seller
shall refuse
to arbitrate.

XIX. And be it further enacted, That in case any Bodies Politick or Corporate, or other Person or Persons seized, interested in, or possessed of any Estate, Right, Title, or Interest in any Ground, Messuages, Tenements, Buildings or other Hereditaments which shall or may be necessary to be taken or used for the Purposes of this Act, shall for the Space of One Calendar Month after Notice in Writing given to or left at the Dwelling House or usual Place of Abode of such Person or Persons, or of the Head Officer of any such Body Politick or Corporate, or at the respective House or Houses of the Tenant or Tenants in Possession of the Premises to be used or taken as aforesaid, neglect or refuse to treat, contract, or agree, or by reason of Absence or otherwise be prevented from treating, contracting, or agreeing for the Sale and Conveyance thereof; or in case any Difference shall arise between the said Company of Proprietors, their Committee or Agent, and the Person or Persons possessed of or interested in any of the Premises so to be purchased respecting the Sum of Money to be paid for the Purchase thereof; or if the Person or Persons so interested shall for the Space aforesaid neglect or refuse to submit the Value of the respective Premises so to be purchased, to the Arbitration of One or more indifferent Persons to be chosen by the Parties in Treaty; or if after the same shall have been submitted to such Reference, the Arbitrator or Arbitrators shall refuse or neglect to make an Award within Seven Days after the Matter shall have been submitted; or in case such Award shall be made and delivered, if either of the Parties in Treaty shall refuse or neglect to obey such Award; or if the Party so interested shall not produce and make out a clear Title to the Premises, or to his or their Estate or Interest therein, to the Satisfaction of the said Company of Proprietors, their Committee or Agent, then and in such Case it shall be lawful for the Commissioners herein-before appointed, and they are hereby required, upon the Application in Writing of the said Company of Proprietors, their Committee or Agent, to issue a Warrant under their Hands, or the Hands of any Three or more of them, to the Sheriff of the said County of York, thereby commanding and requiring him to impanel, summon, and return a Jury of Twenty-four Persons qualified to serve on Juries at the Assizes or Quarter Sessions, to appear before the said Commissioners at such Time and Place as in such Warrant shall be appointed, and the said Sheriff or his Deputy is hereby required to impanel, summon, and return such Jury accordingly, and out of the Number of Jurymen so impanelled, summoned, and returned, and appearing at the Time and Place aforesaid, the said Commissioners are hereby empowered and required to draw by Ballot, and to swear or cause to be sworn Twelve Men to be the Jury for ascertaining the Value of the said Premises, and in Default of a sufficient Number of the Jurymen so returned appearing, the Sheriff or his Deputy shall return other honest and indifferent Men of the Standers by, or that can speedily be procured, to attend that Service and be sworn as aforesaid, to make up the said Jury to the said Number of Twelve; and all Parties concerned shall have their lawful Challenges against any of the said Jurymen, when they come to be sworn, but shall not challenge the Array; and the said Commissioners, or any Three or more of them, are hereby authorized and empowered, by Warrant under their Hands and Seals from Time to Time as Occasion shall require, to summon and call before them the said Jury, and examine upon Oath (which Oath the said Commissioners are hereby empowered and required to administer) any Person or Persons, as well Parties concerned as others, who shall

shall be thought necessary or proper to be examined as a Witness or Witnesses touching or concerning the Premises or Matters in question, and they shall also order and cause the said Jury to view the Place or Places in question (if there shall be Occasion), and shall and may use all such other lawful Ways and Means as well for their own as the said Jury's better Information in the Premises, as they shall think fit; and the said Jury, after such Information as aforesaid, shall assess and find the Value of the said Ground, Messuages, Tenements, Buildings, and other Hereditaments, and the Sum or Sums of Money to be paid to the Owner or Owners thereof, or Person or Persons interested therein respectively, according to their respective Estate and Interest, and shall give in their Verdict thereupon to the said Commissioners herein appointed for that Purpose; and upon such Verdict being so delivered, the said Commissioners shall give Judgement for the Sum or Sums of Money so to be assessed by such Jury to be paid to the Owners and other Persons interested in such Ground, Messuages, Tenements, Buildings, and Hereditaments, according to the Verdict of such Jury; which said Verdict and Judgement so to be had and made shall be binding and conclusive upon all Parties, and shall be fairly written on Parchment and signed by the said Commissioners, or any Three or more of them, and shall be transmitted to the Clerk of the Peace for the West Riding of the County of York, and shall be inrolled and kept amongst the Records of the Quarter Sessions for the said West Riding, and the same or true Copies thereof shall be deemed and taken to be good and legal Evidence and Proof in any Court of Law or Equity; and all Persons shall and may have Recourse to and inspect the same without Fee or Reward, and may take Copies thereof or Extracts therefrom, paying for the same the usual Fees payable for Copies of Records of the said Quarter Sessions: And it shall be lawful for the said Commissioners, or any Three or more of them from Time to Time to impose any reasonable Fine or Fines on such Sheriff or his Deputy making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear, or who shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not join in giving their Verdict, or shall in any other Manner wilfully neglect their Duty therein, contrary to the true Intent and Meaning of this Act, and also on any Person or Persons who being summoned to give Evidence as aforesaid, touching the Premises, shall refuse or neglect to appear, or appearing shall refuse to be sworn or to give Evidence, not shewing a sufficient Cause for such Refusal or Neglect, to the Satisfaction of the said Commissioners, so that no such Fine to be imposed on any such Sheriff or his Deputy shall exceed the Sum of Ten Pounds, or on any such Jurymen or Witnesses the Sum of Five Pounds.

Jury to assess the Value,

and give their Verdict.

Verdict shall be inrolled.

Commissioners may fine the Sheriff.

XX. And be it further enacted, That in case any such Jury shall give in or deliver a Verdict for more Money as the Value of the Premises to be by them assessed as aforesaid, than shall appear to the said Commissioners to have been offered by or on the Behalf of the said Company of Proprietors for the Purchase thereof, before the summoning and returning such Jury, then the Costs and Expences of summoning and maintaining the said Jury and Witnesses, and of the said Commissioners, touching the Premises, shall be borne and paid by the said Company of Proprietors out of the Money to be subscribed by them for the Purposes of this Act as aforesaid; but if such Verdict shall be given for no more or for less Money than

How the Expences of Jury and Commissioners to be borne.

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shall

shall so appear to have been offered as aforesaid, then such Costs and Expences shall be borne and paid by the said Party or Parties to whom such Offer shall have been made, and who shall have refused or neglected to accept thereof.

Upon Payment of the Money, Premises to be conveyed.

XXI. And be it further enacted, That upon Payment of the Sum or Sums of Money to be agreed upon, awarded or adjudged for the Purchase of any Ground, Messuages, Tenements, or other Hereditaments as aforesaid, the Person or Persons to or for whom the same shall be paid, shall, and is or are hereby required to make and execute, or cause or procure to be made and executed, by all proper Parties, good, valid, and sufficient Conveyances, Assignments, and Assurances in the Law, of such Ground, Messuages, Tenements, and other Hereditaments to the said Company of Proprietors to be made use of for the Purposes of this Act.

Doubtful Titles, how the Purchase Monies shall be paid.

XXII. Provided always, and be it further enacted, That in case any Person or Persons to whom such Sum or Sums of Money shall be agreed upon, awarded, or adjudged as aforesaid, shall refuse, neglect, or omit to make and execute, or cause or procure to be made and executed, such good, valid, and sufficient Conveyances, Assignments, and Assurances as aforesaid, being thereunto required by the said Company of Proprietors, their Committee or Agents such Sum and Sums of Money being first tendered to be paid to him, her, or them; or in case any Person or Persons to whom such Sum or Sums of Money shall be so agreed upon, awarded, or adjudged, shall not be able to evince his, her, or their Title to the Premises in question, or cannot be found, or by reason of any Disputes depending in any Court of Law or Equity, or for Defect of Evidence or otherwise it shall not appear to the said Company of Proprietors who is or are entitled to the said Premises, that then and in every such Case it shall be lawful for the said Commissioners, or any Three or more of them, to order and direct the Sum or Sums of Money so agreed upon, awarded, or adjudged as aforesaid, as the Value of and Purchase Money for the Premises in question, to be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account to the Credit of the Persons interested in the said Ground, Messuages, Tenements, or other Hereditaments (describing them) subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order Distribution thereof according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereto, and to make such other Order in the Premises with respect to Costs or otherwise, as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of England, who shall receive such Sum or Sums, is and hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Persons as shall pay such Sum or Sums into the Bank as aforesaid, and such Receipt or Receipts shall be filed and certified in like Manner as is usual in Payments made into the Bank in the Name of the Accountant General, under Orders of the Court of Chancery; and immediately upon such Payment as aforesaid,

aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Possession, Property, Claim, and Demand, in Law and Equity, of all and every the Person or Persons for whose Use such Money was paid in to, or out of the said Premises, in respect whereof such Money shall be paid, shall be vested in the said Company of Proprietors (for the Purposes of this Act) as fully and effectually, to all Intents and Purposes, as if all and every the Person and Persons having any Estate, Right, Title, or Interest, Right of Dower, or otherwise in Possession, Reversion, Remainder, or Expectancy, had actually conveyed the same by any proper and legal Conveyance, Fine, or otherwise.

XXIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Commissioners for executing this Act herein-before mentioned, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application
of Purchase
Money where
exceeding
200*l*.

XXIV. And

Application where the Compensation does not exceed 200^l. nor less than 20^l.

XXIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privy of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20^l.

XXV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Tenants to quit the respective Premises on Notice.

XXVI. And be it further enacted, That all Persons in Possession of any Ground, Messuages, Tenements, or Hereditaments, which by Authority of this Act shall or may be made use of for any of the Purposes aforesaid, who shall have no greater or better Estate in the Premises than as Tenants at Will or Lessees for a Year, or from Year to Year, or for a Term of Years at a Rack Rent, shall, at the End of Three Calendar Months after Notice in Writing for that Purpose shall have been given to any of them respectively, or left at any of their respective Places of Abode, or at the Premises which such Notice shall concern; and all other Persons in Possession of any such Ground, Messuages, Tenements, or Hereditaments, who shall have any greater or better Estate in the Premises than as Tenants at Will, or Lessees for a Year, or from Year to Year, or for a Term of Years at Rack Rent, or who by reason of any Erections or lasting Improvements made, shall have any equitable Claim or Interest in the same Premises, shall also, at the End of Three Calendar Months after such Notice given or left as aforesaid, and upon Payment or Tender of such Recompence or Satisfaction for their Term, Estate, or Interest in the said Premises as shall be agreed upon and awarded or adjudged as aforesaid, quit

and relinquish the Ground, Messuages, Tenements, or Hereditaments so in their respective Possessions, together with all such Fixtures as shall be deemed the Property of the Landlord or Landlords; and that all Leases, Demises, Contracts, or Agreements under or by virtue whereof any such Tenants or Lessees shall hold the said Premises, shall from the End of the said Three Calendar Months be absolutely void and of none Effect; and if any such Tenant or Lessee as aforesaid shall refuse or neglect to deliver up the Premises in his or her Possession as aforesaid, it shall be lawful for the said Commissioners or any Three or more of them, to issue their Precept or Warrant to the Sheriff of the County of *York*, or his Deputy, to take and deliver such Possession to the Person or Persons to be named in such Precept or Warrant, and the said Sheriff or his Deputy is hereby required to take and deliver, or cause to be taken and delivered such Possession accordingly, and to levy such Costs as shall accrue from the issuing and executing of such Precept or Warrant on the Person so refusing to deliver such Possession, by Distress and Sale of his or her Goods and Chattels, returning the Overplus (if any) to the Owner of such Goods and Chattels.

XXVII. And be it further enacted, That when and so soon as the necessary Purchases for the Purposes of this Act are made and completed, it shall be lawful for the said Company of Proprietors to cause all the Messuages, Tenements, Buildings, and Erections so to be purchased as aforesaid, or such Part thereof as shall be necessary for the Purposes of this Act, to be pulled down, and to cause the Materials thereof to be sold or disposed of as they shall think proper, and to cause such Streets or Communications leading into the said intended Market Place, to be opened and made of such Width and Dimensions, and with such convenient Footways or flagged Ways on each Side thereof, as the said Commissioners, or any Five or more of them, shall think proper and necessary; which said Streets and Footways or flagged Ways shall be first made and formed by and at the Expence of the said Company of Proprietors, and shall for ever after remain subject to the Right of passing and repassing thereon for the publick Use, and shall be maintained and kept in Repair in like Manner as the other publick Streets of the said Town of *Rotherham* are by Law to be maintained and kept in Repair.

Buildings,
&c. to be
pulled down
and Streets
set out.

XXVIII. And be it further enacted, That when and so soon as the said several Streets shall be made and opened as aforesaid, it shall and may be lawful for the said Company of Proprietors to erect and build, or cause to be erected and built, such proper and convenient Butchers Shops, Sheds, Shambles, Stalls, Standings, and other Shops, Buildings, and Conveniences, as the said Company of Proprietors shall judge to be suitable or proper for the Use and Convenience of the several Persons attending the said Market.

New Buildings
to be erected.

XXIX. And be it further enacted, That from and after the setting out and completing the said intended Market Place, all Markets to be held within the said Town of *Rotherham* (except the Markets for Horses, Sheep, Beasts, and other Cattle, and except the Two Fairs holden there annually) shall on the usual and accustomed Days throughout the Year be holden within the Limits of the said new Market Place; and all Corn, Grain, Butchers Meat, Fish, Poultry, Butter, Eggs, Cheese, Vegetables, and

Markets to be
held there.

[*Loc. & Per.*]

14 B

other

other marketable Commodities, Matters, and Things, usually exposed to Sale in the Market Place or Streets of the said Town, shall be exposed to Sale and sold within the Limits of such new Market Place only, and not elsewhere.

Not to hinder Persons from selling in their Houses or Shops.

XXX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent or hinder any Person from selling or exposing to Sale any marketable Commodities, Matters, or Things whatsoever (except Butchers Meat or Shambles Meat) in his or her own private Dwelling House, or in his or her own Shop, Part of such Dwelling House, in any Part of the said Town of *Rotherham*, nor to subject, charge, or make liable any Person whomsoever selling or exposing to Sale in the said new Market Place any Butter, Eggs, or Poultry, in any Hand-basket or Baskets, to any Exaction or Toll for or in respect of or under the Idea of Picking or Stallage; nor to subject, charge, or make liable any Corn or Grain exposed to Sale in the said new Market Place, to any Toll or Demand, other than what hath been hitherto paid or demanded, or of Right was due and payable within the Markets of the said Town, before the passing of this Act.

Not to affect the Rights of the Earl of *Effingham*.

XXXI. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to or affect the Markets within the said Town for the Sale of Horses, Sheep, Beasts, or other Cattle, but that the same shall be held in the usual Places in the said Town, and the Rents, Tolls, Produce, and Profits thereof shall be received and taken by such Persons, and for such Purposes as the same ought to have been held, received, or taken before the passing of this Act; nor shall this Act or any Thing herein contained extend to affect, impeach, or prejudice the Right or Title of the Right Honourable *Richard* Earl of *Effingham*, his Heirs or Assigns, Lessee or Lessees, to any Rents, Tolls, Dues, Produce, or Profits of the Markets or Fairs of the said Town of *Rotherham*, but that the same shall be as completely reserved and excepted as if this Act had not been made; any Thing herein contained to the contrary notwithstanding.

Proprietors to make Regulations in the Markets.

XXXII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, or their Committee, from Time to Time to direct and appoint what particular and respective Parts of the said new Market Place shall be occupied and made use of for exposing to Sale any Commodities, Matters, and Things therein; and also from Time to Time to make such Orders and Regulations as the said Company of Proprietors, or their Committee, shall think proper and necessary for the better regulating the said Markets, and for fixing and ascertaining the Time or Times at which all or any Goods, Wares, or Commodities shall respectively begin to be offered or exposed to Sale therein, and how long the same shall continue exposed to Sale; and also the Time or Times when any moveable Shed, Stall, Standing, or Bench allowed to be used or set up in the said Market Place, shall be taken down and removed from the said Market Place, or deposited or laid by therein; which Orders and Regulations shall be from Time to Time printed in legible Characters, and affixed upon some conspicuous Part or Parts of the said Market

Market Place, during such Markets respectively, for Three successive Market Days before such Orders and Regulations shall be deemed to be in Force; and the said Company of Proprietors shall cause the Time or Times of beginning and concluding every Market to be announced by the Ringing of a Bell, or otherwise, as they shall think proper.

XXXIII. And be it further enacted, That in case any Person shall expose to Sale or vend any Goods, Wares, Commodities, Matters, or Things contrary to the Directions and true Meaning of this Act, or shall offend against and disobey any Orders or Regulations hereby authorized to be made and published as aforesaid, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, nor less than Five Shillings, to be recovered as herein-after directed, and to be applied, One Moiety to the Informer, and the other Moiety to the Poor of *Rotherham* aforesaid.

Penalty on selling contrary to this Act.

XXXIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors to erect and build, or cause to be erected and built, in some convenient Situation upon Part of the Premises herein-before authorized to be purchased for the Purposes of this Act, such proper and necessary Slaughter Houses, and other Buildings and Conveniences thereto, of such Dimensions and in such Manner as the said Company of Proprietors or their Committee shall think proper.

Slaughter Houses to be built.

XXXV. And be it further enacted, That from and after the said Slaughter Houses and other Buildings and Conveniences thereto shall be completed, it shall not be lawful for any Person or Persons to kill or slaughter, or cause to be killed or slaughtered, any Beast, Swine, Calf, Sheep, or other Cattle in any Street, Court, Way, or publick Passage within the said Town of *Rotherham*, or in any Place which shall be open or exposed to any Street, Court, Way, or publick Passage there, or suffer or permit the Blood thereof to run down into any such Street, Court, Way, or publick Passage; nor shall any Person or Persons cause to be singed, scalded, dressed, cut up, hung up, or exposed to Sale any Butchers Meat or Shambles Meat, or any Part of the Flesh of any Beast, Swine, Calf, Sheep, or other Cattle, in, upon, or over any of the Streets, Roads, Courts, Ways, or publick Passages within the said Town of *Rotherham*, upon Pain of every Person so offending forfeiting for every such Offence the Sum of Forty Shillings, to be recovered as herein-after directed, and to be applied, One Moiety thereof to the Informer, and the other Moiety to the Poor of *Rotherham* aforesaid.

No Cattle, etc. to be slaughtered in the Streets.

XXXVI. And be it further enacted, That all the Rents, Dues, Profits, and Produce of the said Shops, Stalls, Slaughter Houses, and Buildings, and every Part thereof respectively, shall be and the same are hereby vested in the said Company of Proprietors, and they shall stand and be seized and possessed thereof, to, for, and upon the several Uses, Ends, Intents, and Purposes herein-after mentioned and expressed; (that is to say) in the First Place, to pay and discharge all Rates, Taxes, or Assessments to be laid or imposed on the said Shops, Stalls, Slaughter Houses, and

Application of the Rents and Profits.

and Buildings, and every Part thereof, and the Expences of collecting the Rents and Profits of the same, with the Salary of their Clerk and Treasurer; and in the next Place to discharge the Interest of such Sum or Sums of Money as shall be borrowed by any Mortgage or Mortgages of the said Shops, Stalls, Slaughter Houses, and Buildings, and in discharging the Expences of keeping the same in good Repair; and afterwards to the Payment of lawful Interest for the several Shares or Sums of Money subscribed by the said Company of Proprietors, towards the Purposes of this Act, and the Overplus shall go and be applied towards discharging and paying off the Principal of all Monies borrowed on such Mortgage or Mortgages as aforesaid.

Proprietors
Dividends
limited.

XXXVII. Provided always, and be it further enacted, That if at any Time hereafter the Rents, Dues, Profits, and Produce of the said Shops, Stalls, Slaughter Houses, and Buildings, shall (after paying the Charges and Interest above specified) be found sufficient to pay and discharge all Principal Monies so borrowed on such Mortgage or Mortgages thereof as aforesaid, then and in such Case the said Rents, Dues, Profits, and Produce, shall be divided amongst the said Company of Proprietors in Proportion to their respective Shares or Subscriptions: Provided always, That if such Dividends of the said Rents and Profits shall at any Time exceed the Rate of Seven Pounds *per Centum per Annum* upon the Principal Sums subscribed by the said Company of Proprietors, for the Purposes of this Act, then and in such Case the said Rents, Dues, Profits, and Produce shall be lowered in such a Proportion as will reduce the said Dividends to the said Rate of Seven Pounds *per Centum per Annum*.

Commissioners for cleansing, lighting, and improving the Town.

XXXVIII. And be it further enacted, That all Persons who for the Time being shall occupy Messuages, Tenements, or Hereditaments in the said Town of *Rotherham*, to the Amount of Twenty Pounds *per Annum*, and also all Persons who shall be respectively Owners of or entitled to any Freehold Property within the Township of *Rotherham* aforesaid, of the clear Yearly Value of Twenty Pounds, shall be and they are hereby appointed Commissioners for the Purposes of cleansing, lighting, and regulating the Streets and other publick Passages and Places within the said Town, and removing and preventing Encroachments, Obstructions, Nuisances, and Annoyances therein, as herein-after directed; and if any Person, not being so qualified, shall presume to act as a Commissioner for any of the Purposes aforesaid, such Person shall for every such Offence forfeit and pay the Sum of Twenty 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; and every Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor; than that such Person hath acted as a Commissioner in the Execution of this Act, as aforesaid.

Meetings of Commissioners for cleansing, lighting, etc.

XXXIX. And be it further enacted, That the said last-mentioned Commissioners shall meet at such Times and Places as any Three or more of them shall appoint, by Notice to be signed by them or by their Clerk, and affixed

affixed on the Church Door of the Parish Church of *Rotherbam* aforesaid, at least Seven Days before such Meeting, in order to put this Act in Execution, and shall and may then, and from Time to Time afterwards adjourn themselves, or appoint other Meetings to be held at any Place within the said Town of *Rotherbam*, giving such Notice as aforesaid; and if at any Time there shall not appear at any such Meeting, a sufficient Number of the said Commissioners to act in the Execution of the Powers hereby given, any One of the said Commissioners, or their Clerk, may adjourn the Meeting to another Day, and that at every Meeting of the said Commissioners to be held in pursuance of this Act, the Commissioners present, or the major Part of them, shall appoint a Chairman of such Meeting; and that all the Powers and Authorities by this Act granted to or vested in the said Commissioners, shall and may, from Time to Time be exercised, done, and performed by a Majority of the Commissioners present at any such Meeting; and in case of an equal Number of Votes upon any Question, including that of the Chairman, the Chairman shall have the casting Vote; and that no Act of the said Commissioners (except that of Adjournment or calling a Meeting as aforesaid) shall be valid, unless made or done at some publick Meeting held by virtue of this Act, except in such Cases as are herein particularly mentioned and provided for.

XL. And be it further enacted, That the said last-mentioned Commissioners shall and may, at their First or any subsequent Meeting to be held in pursuance of this Act, nominate and appoint a Clerk and Treasurer for the Purposes of this Act, and shall and may, from Time to Time, remove any such Clerk and Treasurer, as they shall see Occasion, and appoint another in the Room of such as shall be so removed, or who shall die; and the said Commissioners shall, and they are hereby required to take such Security from every such Treasurer to be appointed as aforesaid, for the due and faithful Execution of his Office, as they shall think proper; and it shall be lawful for the said Commissioners, out of the Money to be raised by virtue of this Act, and to be placed to their Account, to pay or allow to such Clerk or Treasurer such Salary or Allowance for his Trouble in the Execution of this Act, as the said Commissioners shall think reasonable and proper, and also to pay and defray or reimburse themselves all such reasonable Expences which they shall be at, or put unto, in executing the Powers hereby vested in them; any Thing herein contained to the contrary thereof notwithstanding.

To appoint a
Clerk and
Treasurer.

XLI. And be it further enacted, That all Accounts, Acts, Orders, and Proceedings of the said last-mentioned Commissioners, or any of them, in the Execution of this Act, shall be entered in a Book to be kept for that Purpose, and signed by the Commissioners making the same at their respective Meetings, and that no Act, Order, or Proceeding of the said Commissioners shall be valid until the same shall have been so entered and signed; and all Persons interested, shall at any reasonable Time or Times, be at Liberty to inspect or take Copies or Extracts therefrom without Fee or Reward; and that no Act, Order, or Proceeding, so made and signed as aforesaid, shall be afterwards altered, revoked, or set aside by any subsequent Order or Proceeding of the said Commissioners, unless the Number of Commissioners so altering, revoking, or setting

All Accounts
to be kept in
a Book.

aside the same, shall exceed the Number by whom such Act, Order, or Proceeding shall have been made.

Lamps to be fixed up.

Penalty on breaking them.

XLII. And be it further enacted, That it shall be lawful for the said last-mentioned Commissioners, and they are hereby empowered from Time to Time, to cause such Lamp Irons or Lamp Posts to be put or affixed upon or against the Walls or Sides of any of the Houses, or to be placed down in such Parts of the said Streets, by the Sides thereof, or in such other Manner within the said Streets or other publick Passages and Places as they shall think proper; and also to cause such Number of Lamps of such Sizes and Sorts to be provided and affixed, or put upon such Lamp Irons and Lamp Posts as they shall think necessary for lighting all or any of the said Streets and other publick Passages and Places; and if any Person shall wilfully break, throw down, take away, or damage any of the said Lamps, or of the Iron or Wood Work, or other Furniture thereof, or wilfully extinguish the Light of any such Lamp, every Person so offending, shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, nor less than Ten Shillings, to be recovered and applied as herein-after directed, and such Offender shall also pay to the said Commissioners, or to such Person as they shall appoint to receive the same, such Sum of Money as shall be a full Satisfaction for the Damage so done; and in case any Person shall carelessly, negligently, or accidentally break, throw down, or damage any of the said Lamps, or of the Iron or Wood Work, or other Furniture thereof, and shall not, upon Demand, make Satisfaction for the Damage done thereto, such Person shall forfeit and pay to the said Commissioners a Sum of Money equal to the Damage so done, not exceeding Twenty Shillings for each Lamp or Furniture thereof.

Commissioners may contract with proper Persons.

XLIII. And be it further enacted, That the said last-mentioned Commissioners shall and may, and they are hereby authorized and empowered, from Time to Time, at any of their said Meetings, as Occasion shall require, to contract and agree with any fit Person or Persons as Scavengers and Lamplighters, or for supplying any of the Materials for any Thing necessary to be done by the said Commissioners, which Contract or Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the same Works shall be completed, and the Penalties to be suffered in case of Non-performance thereof, and shall be signed by Five or more of the said Commissioners, and also by the Person or Persons contracting to perform such Works respectively, and shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners.

Projecting Signs, &c. to be placed close to the Houses.

XLIV. And be it further enacted, That all Signs, Sign Posts, Gutters, Screens, and Close Fences, which now are or at any Time hereafter shall be placed against any of the Houses or other Buildings now erected or erecting, or hereafter to be erected or built within the several Streets and other publick Passages and Places aforesaid, shall be fixed close to the Fronts of the Houses, Shops, Warehouses, and Buildings to which they shall respectively belong, and not otherwise; and that the respective Occupiers of any such Houses or other Buildings as aforesaid, shall, at their own Charges, within such Time and in such Manner as the said last

last-mentioned Commissioners shall from Time to Time (by Notice in Writing under the Hands of any Three or more of them, to be delivered to such respective Occupiers, or left at their respective Dwelling Houses), order and direct, cause all Signs which may belong to, and shall not be fixed or placed upon such respective Houses or other Buildings in Manner aforesaid, to be taken down, and fixed or placed flat on the Fronts thereof, and all Sign Irons, Sign Posts, and other Posts, Penthouses, Screens, Close Fences, Spouts, Steps, Shop Windows, and Cellar Windows, and other Encroachments, Obstructions, or Annoyances standing or projecting upon or over any of the Streets or publick Footways (except ancient Bow Windows) to be removed, altered, or reformed, and also to cause the Water to be conveyed from the Roofs, Cornices, and Penthouses which belong to such respective Houses or other Buildings by proper and sufficient Pipes or Trunks to be affixed to the Sides of such Houses and other Buildings respectively, and from thence by proper Drains into the Common Drains or Sewers; and in case any such Occupier shall neglect or refuse so to do, it shall be lawful for the said Commissioners to cause the same to be done; and if such Occupier shall refuse to pay the Costs and Charges attending the same, the said Commissioners shall cause such Costs and Charges to 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 West Riding of the County of York, rendering the Overplus (if any) when demanded, to the Person whose Goods and Chattels shall be so distrained and sold; and if the Tenant in Possession of any such House or other Building shall remove, alter, or reform any such Encroachments, Obstructions, Projections, or Annoyances as aforesaid, according to the Directions of the said Commissioners, (except such as shall be put up or occasioned by such Tenant) it shall be lawful for every such Tenant to deduct and retain the Charges and Expences thereof out of his or her Rent.

XLV. Provided always, That nothing herein contained shall extend to authorize the said Commissioners to stop up any Cellar Window or Door, where there shall be no other Way from the Street or other publick Passage or Place into such Cellar, unless the said Commissioners shall make or provide some other commodious Way into such Cellar.

Not to authorize the Commissioners to block up Cellar Doors, etc. where there is no other Way.

XLVI. And be it further enacted, That if any Person shall run, drive, or place, or cause to be run, driven, or placed, any Coach, Cart, Waggon, Dray, Truck, Sledge, Wheelbarrow, or any Carriage, whatsoever, upon or over any of the Foot-pavements within the said Town of Rotherham, or shall wilfully ride, drive, or lead any Horse or other Beast or Cattle along or upon any of the said Foot-pavements, or shall, within any Street or other publick Passage or Place within the said Town, hoop, cleanse, or scald any Cask, or hew or saw any Stone, Wood, or Timber, or bind or make the Wheel of any Carriage, or shoe, bleed, dress, or farry (except in case of Accident), or turn or drive loose any Horse or other Beast, or set, place, or expose to Sale, any Goods, Wares, or Merchandize, either in the Footways or Carriageways belonging or to belong to any of the said Streets, or other publick Passages or Places, every Person so offending in any such Cases, shall, for every such Offence forfeit and pay any Sum not exceeding Five Shillings; and also, that if any Person or Persons shall sift, screen, or flake any Lime (except within such Hoard or Inclosure as hereafter is mentioned) in any such Street, or

Penalty for Annoyances in Footpaths.

other publick Passage or Place, he and they shall forfeit and pay any Sum not exceeding Ten Shillings, to be recovered and applied as hereinafter mentioned.

Hoads may
be set up.

XLVII. Provided always, and be it further enacted, That nothing herein-before contained shall hinder or prevent any Person from erecting or building any Hoard or other Thing by way of Inclosure, for the Purpose of making Mortar, or depositing Bricks or Stone, or making or working up any Lime, Sand, or other Materials for making, building, altering, or repairing any House, Wall, or other Building, within the Limits of this Act, or to subject him to any Penalty on Account thereof, but so nevertheless as that every such Person shall previously have and obtain a Licence for that Purpose, under the Hand of any Three of the said last-mentioned Commissioners; which Licence such Commissioners are hereby required forthwith to grant, to any Person applying for the same, and which Licence shall specify the Dimensions of every such Hoard, and the Time it is to continue for such Purposes aforesaid.

Obstructions
in the Streets.

XLVIII. And be it further enacted, That if any Waggon, Cart, or other Carriage, shall be left to stand or remain in any of the said Streets or publick Passages or Places, with or without Horses, for any longer Time than shall be necessary for the loading and unloading thereof, or if any Stage Coach, Post Chaise, or other Carriage let for Hire, shall be left to stand or remain in any such Street or publick Passage or Place, with or without Horses, for any longer Time than shall be reasonable or necessary for taking up or setting down Passengers, or their Baggage, (except for Repair in case of Accident) or if any Horse or other Cattle shall be suffered to stand at the Door or House of any Person, so as to obstruct or incommode the Passage of any of the said Footways; or if any Timber, Bricks, Stones, Wood, Goods, or other Things, shall be laid or placed and left to remain in any of the said Streets and other publick Passages and Places, for any longer Time than shall be necessary for removing or housing the same; or if any Dung, Ashes, Rubbish, Dust, Dirt, or other Nuisance or Annoyance, shall be thrown, cast, or laid in any of the said Streets or publick Passages or Places, and suffered to remain for any longer Time than shall be necessary for removing the same (except in case of Frost); then and in every such Case the Owner or Driver of every such Carriage, and the Owner of such Timber or other Things aforesaid, and the Person who shall throw or lay any Dung, Ashes, Rubbish, Dust, Dirt, or other Nuisance or Annoyance as aforesaid, or otherwise offend in the Premises, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings nor less than Five Shillings, to be recovered and applied as hereafter mentioned.

Streets and
Footways,
how to be
cleansed.

XLIX. And be it further enacted, That all and every Person or Persons inhabiting within the said Town shall, from and after the passing of this Act, at least Twice in every Week, at such Times and at such Hours as the said last-mentioned Commissioners shall from Time to Time direct, scrape, cleanse, and sweep, or cause to be scraped, cleansed, and swept, the paved Footpaths or Ways, in the whole Length of the Front of their respective Houses, Shops, Buildings, Walls, and Premises, and cleanse and sweep the publick paved Carriageways in Front of their respective Houses, Shops, Buildings, Walls, and Premises, the whole Length thereof, to the Centre of such publick Carriageway, in all Places where there shall

shall be any inhabited Houses or other Buildings opposite; but where that shall not be the Case, then for such Length and Breadth as the said Commissioners, or any Three or more of them, shall direct, and every such Inhabitant shall immediately take and carry away, or cause to be taken and carried away, the Dirt and Soil arising from such sweeping and cleansing, without obstructing the Way in such Streets or publick Passages or Places, or any of the Watercourses or Channels there, upon Pain of forfeiting and paying the Sum of Five Shillings for every Neglect therein, to be recovered and applied as hereafter directed.

L. And be it further enacted, That when any Messuage or Tenement within the said Town shall be untenanted and uninhabited, then and in such Case the said last mentioned Commissioners shall, during the Time such Premises shall remain uninhabited, cause their Scavenger to cleanse that Part of the publick Streets, Passages, and Places, which would have fallen to the Lot of such uninhabited Messuage or Tenement, and to take and carry away the Dust, Dirt, and Soil, arising therefrom; and shall also order such other Parts of the said Streets and Places as are not herein otherwise particularly described, to be cleansed in such Manner, and at such Times, as they shall think proper; and the Expences of such cleansing shall be paid out of the Rates or Assessments hereafter directed to be laid.

Houses uninhabited, Commissioners to cleanse before them.

LI. And, for raising Money to enable the said last-mentioned Commissioners to carry this Act, so far as the same relates to the several Purposes of cleansing, lighting, and regulating the Streets and other publick Passages and Places within the said Town into Execution, be it further enacted, That One or more Rate or Rates, Assessment or Assessments, shall be annually laid and assessed by the said Commissioners upon the Occupiers of all Houses, Shops, Warehouses, Buildings, and Tenements, in any of the said Streets and other publick Passages and Places, in such Sum or Sums of Money as the said Commissioners shall order and direct; but so as such Rate or Rates, Assessment or Assessments (except the First Assessment for paying Part of the Expences of obtaining and passing this Act) do not exceed in the Whole, in any One Year, the Sum of One Shilling in the Pound, according to the yearly Rent or Value of such Premises, in the making of which several Rates or Assessments, the Stables, Outhouses, Erections, and other Buildings which shall belong to or be respectively held and occupied with any of the said Houses, shall be respectively rated therewith; and the Money so rated and assessed under or in pursuance of this Act, shall be from Time to Time paid to the Collectors to be appointed by the said Commissioners for that Purpose, and shall be by them paid over to the Clerik and Treasurer of the said Commissioners at such Time and Times in every Year, and in such Manner as they shall order and direct, and shall be applied in the First Place to pay such proportionable Part of the Expences of obtaining and passing this Act, as the Commissioners first herein nominated and appointed shall direct and appoint, and the Residue thereof to defray the necessary Expences of cleansing, lighting, regulating, and improving the said Town as herein directed; and the said Commissioners last herein nominated and appointed shall also cause just and true Accounts to be kept of the Produce of

Rate to be made and levied for cleansing and lighting.

the said respective Rates and Assessments, and of the Application of the same respectively.

Houses empty or unoccupied, to have a proportionable Deduction.

LII. Provided always, and be it further enacted, That in case any such Premises, after the making of any such Rates or Assessments, shall become empty or unoccupied, a Deduction shall be made out of the said Rates or Assessments in Proportion to the Time such Premises respectively shall continue empty or unoccupied; and that where any House, Building, or Tenement, upon which any Rate or Assessment shall be laid as aforesaid, shall be let to more than One Tenant, any One or more of such Tenants shall be deemed the Occupier or Occupiers thereof for the Purposes of this Act.

Houses under 5 l. per Year exempt.

LIII. Provided always, and be it further enacted, That no Person shall be charged with any of the Rates and Duties hereby imposed upon or for inhabited Houses, unless the House and Premises in his or her Occupation, shall be of the annual Value of Five Pounds or upwards; and no Assessment or Charge of the Rates or Duties hereby imposed shall be made or levied upon or in respect of any Dwelling House, Cottage, or Tenement, whereof the Occupier or Occupiers, by reason of Poverty, is or are exempted from the actual Payment of the usual Taxes and Assessments towards the Church and Poor.

Rates how to be recovered.

LIV. And, for the better enforcing the Payment of the Rates or Assessments to be made by virtue of this Act, be it further enacted, That if any Person or Persons liable to pay any of the said Rates or Assessments shall refuse or neglect to pay the Money rated or assessed upon him, her, or them, then and in such Case it shall be lawful for the Collector to the said last-mentioned Commissioners to cause the same to be levied by distraining the Goods and Chattels of the Party so refusing or neglecting, by Warrant under the Hand and Seal of One Justice of the Peace acting in and for the said West Riding of the County of York; and if, within Five Days next after any such Distress shall be made, the said Rates or Assessments, and all Arrears due thereon, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, the said Collector shall cause the said Goods and Chattels to be appraised and sold, or such Part thereof as shall be sufficient for that Purpose, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively.

Penalties how to be recovered and applied.

LV. And be it further enacted, That all Penalties and Forfeitures by this Act imposed for any Offence against the same, and all Damages, Costs, and Charges, which may be demanded or become due by the Authority of this Act, (the Manner of levying and recovering whereof is not hereby otherwise directed), shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Person liable or ordered to pay the same respectively, by Warrant under the Hand and Seal of any One or more Justice or Justices of the Peace acting in and for the said West Riding of the County of York, upon the Conviction of the Offender by his or her Confession, or by the Oath of One or more credible Witness or Witnesses; and the said Penalties or Forfeitures, when recovered, shall go and be paid, One Moiety thereof to the Justices

mer and the other Moiety thereof to the Treasurer of the said last-mentioned Commissioners, in Aid of the Rate or Assessment herein-before directed to be laid for the Purposes of cleansing, lighting, regulating, and improving, the publick Streets, and other Passages and Places in the said Town of *Rotherham*, rendering the Overplus (if any) after such Forfeiture or Penalty, together with the Costs and Charges attending such Conviction, Warrant, Distress and Sale, shall be fully paid, unto the Person whose Goods and Chattels shall have been so distrained as aforesaid; and in case sufficient Distress shall not be found, and such Penalty or Forfeiture, Damages, Costs, and Charges, shall not be paid forthwith, it shall be lawful for such Justice or Justices, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit such Offender or Person liable and convicted as aforesaid, to the House of Correction or Common Gaol, there to remain without Bail or Mainprize for any Time not exceeding One Calendar Month nor less than Ten Days, unless such Penalty or Forfeiture, Damages, Costs, and Charges, and all Expences attending such Commitment, shall be sooner paid and satisfied.

LVI. And be it further enacted, That no Action or Suit shall be commenced against any Person for any Thing to be done in pursuance of this Act, until Twenty-one Days Notice thereof shall be given to the Person against whom such Action or Suit shall be intended to be commenced, or after sufficient Satisfaction or Tender thereof hath been made to the Party aggrieved, or after Three Calendar Months next after the Offence committed, and every such Action or Suit shall be brought and tried in the County of *York*, and not elsewhere; and the Defendant in every such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done, in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought before Twenty-one Days Notice thereof shall be given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time herein-before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant, and upon such Verdict, or if the Plaintiff shall become Nonsuit, or discontinue his or her Action or Suit after the Defendant shall appear, or if upon Demurrer Judgement shall be given against the Plaintiff, then the Defendant shall recover Treble Costs, and have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases at Law.

Limitation of
Actions.

LVII. And be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, (except in such Cases where the Determination of the said respective Commissioners is declared to be conclusive) such Person may within Six Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at their General Quarter Sessions to be holden for the West Riding of the County of *York*, such Appellant first giving or causing to be given Ten Days Notice at least in Writing of his or her Intention to exhibit such Appeal, and of the Matter thereof, to the Person or Persons appealed against, and within Four Days after giving such Notice entering into a Recognizance before some Justice of the Peace for the

Appeal.

the said West Riding, with Two sufficient Sureties conditioned to try such Appeal, and to abide by the Order of, and pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given, and of the entering into such Recognizance as aforesaid, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as they shall think proper; and the Determination of such Justices shall be binding, final, and conclusive to all Intents and Purposes whatsoever.

General
Saving.

LVIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title, Interest, Claim, and Demand, (other than and except such as are meant and intended to be barred and destroyed by this Act) of, in, to, or out of the several Grounds, Messuages, Tenements, Lands, and Hereditaments, mentioned or comprized in this Act, as they, every, or any of them had or enjoyed before the passing of this Act, or could or might have had or enjoyed 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 of the Peace, and other Persons whomsoever, without specially pleading the same.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1801.