



ANNO QUADRAGESIMO QUARTO

GEORGI II. REGIS.

Cap. 58.

An Act for lighting the Streets, Lanes, and other publick Passages and Places, within the City of *Carlisle*, in the County of *Cumberland*, and the Suburbs of the said City; for paving the Foot Paths of the Streets of the said City and Suburbs; and for otherwise improving the said City.

[29th June 1804.]

WHEREAS the City of *Carlisle*, in the County of *Cumberland*, is a populous and trading City, and a Place of great Resort: And whereas the Streets, Lanes, and other publick Passages and Places within the said City, and the Suburbs thereof, are at present very insufficiently lighted, and the Footpaths of the Streets of the said City and Suburbs are not properly flagged or paved: And whereas the Entrance into the said City by the present Gate, called *The English Gate*, is inconvenient and dangerous: And whereas Liberty hath been granted to the Inhabitants of the said City to open and make a proper Avenue, Way, and Passage, from that Part of the Street called *Botchergate*, which lies within the Liberties of the said City, through the Citadel into the said City: And whereas it would tend greatly to the Benefit and Safety of the Inhabitants of the said City and Suburbs, and of all Persons resorting thereto, or passing through the same, if the Streets, Lanes, and other

[Loc. & Per.] 11 Y publick

Commission-
ers.

publick Passages and Places within the said City and Suburbs were well and sufficiently lighted, and the Footpaths of the Streets of the said City and Suburbs were properly flagged or paved, and if a proper Avenue, Way, and Passage, were made through the said Citadel into the said City: But the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Mayor, Recorder, and Aldermen of the City of Carlisle, the Reverend Joseph Milner Dean, and the Chapter of the Cathedral Church of Carlisle, the Reverend Brown Grisdale Doctor in Divinity, William Potts, Richard Jackson, John Richardson, Joseph Hodgson, George Blamire, Jeremiab Whirlings, John Jackson, Thomas Blamire Doctor of Medicine, Thomas Lowry Clerk, John Heysham Doctor of Medicine, James Forster, Thomas Benson, John Mitchinson, Samuel Atkinson, Edward Nevinston, Richard Ferguson, John Forster, Robert Waldie, John Hebson, Thomas Losh, Robert Mounsey, William Jackson, Thomas Spooner, Alexander Wilson, David Kennedy, William Wood, Robert Ferguson, William Hodgson, William Donald, Richard Lowthian, Silas Saul, John Hodgson the younger, James Fairbairn, Francis Jollie, John Thompson, John Pears, John Beck, John Keay, John Brown, William Halton, John Connell, Joseph Stoddart, Francis Stoddart, Thomas Atkinson, Anthony Langcake, Edward Rowland, David Carrick, Robert James, John Gibbons, Thomas Bennett, Richard Jackson, John Rigg, Robert Allison, John Robson, Robert Wilson, William M'Williams, Joseph Sargent, James Monkhouse, Benjamin Holmes, John Fletcher, James Irving, Joseph Monkhouse Head, and Joseph Topping, shall be, and they and their Successors (to be elected in Manner hereinafter mentioned), are hereby appointed Commissioners for putting this Act in Execution.

For appointing
new Commis-
sioners.

II. And be it further enacted, That when and so often as any of the Commissioners herein named, or hereafter to be elected, shall die or remove out of the said City or Suburbs, or shall at any Time, during the Space of One Year, refuse or neglect to act, such Death, Removal, Refusal, or Neglect to act, being declared or notified at a publick Meeting of the said Commissioners, then it shall be lawful for the surviving or remaining Commissioners, or any Seven or more of them, from Time to Time, and they are hereby required to elect and appoint One or more proper Person or Persons residing in the said City or Suburbs, 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, and affixed on the Market Cross of the said City of Carlisle, and on such other Place or Places as the said Commissioners shall direct; and every Person who shall be so appointed (having first taken and subscribed the Oath herein-after directed to be taken and subscribed, and being qualified as herein-after is mentioned), shall have the same Power and Authority for putting this Act in Execution, as if he had been expressly named and appointed a Commissioner in and by this Act.

Qualification
of the Com-
missioners.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except

(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 City or the Suburbs thereof, and shall be seised or possessed in his own Right, or in the Right of his Wife and be in the actual Possession or Receipt of the Rents and Profits of a House, Tenement, or Building, or Houses, Tenements, or Buildings, with the Appurtenances, of the clear yearly Value of Thirty Pounds or upwards situate in the said City or the Suburbs thereof, or shall occupy a House or Building, or Houses, Tenements, or Buildings, with the Appurtenances, situate within the said City or the Suburbs thereof, of the clear yearly Value of Fifty Pounds, and also be an Householder liable to be rated by this Act, and shall have taken and subscribed the Oath following; *videlicet*,

‘ I *A. B.* do swear, That I am duly qualified to act as a Commissioner Oath,
 ‘ in the Execution of an Act made in the Forty-fourth Year of the
 ‘ Reign of King *George* the Third, intituled, [*here insert the Title of this*
 ‘ *Act*], and that I will faithfully, truly, honestly, and impartially, according
 ‘ to the best of my Skill and Judgement, execute and perform the several
 ‘ Powers and Authorities reposed in me as a Commissioner, by virtue of
 ‘ the said Act, without Favour or Affection, Prejudice or Malice, to any
 ‘ Person or Persons whomsoever.

‘ So help me GOD.’

IV. And be it further enacted, That the said Commissioners, or any Five or more of them, shall meet together in the Guildhall of the said City of *Carlisle*, or at such other Place within the said City as they shall appoint for that Purpose, on the Twenty-fifth Day of *June* One thousand eight hundred and four, between the Hours of Ten and Twelve of the Clock in the Forenoon of the same Day, and shall then proceed to put this Act in Execution; and shall and may then and from Time to Time afterwards, adjourn themselves to and meet at the Place aforesaid, or at any other convenient Place within the said City of *Carlisle*, as they or any Five or more of them shall appoint; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of the said Commissioners to act or 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, or if there shall be any special Occasion for any Meeting between the Time of any Meeting, or any Adjournment thereof, or at any other Time, then and in any of the said Cases any Three or more of the said Commissioners, or their Clerk, shall and may appoint a Meeting to be holden at the Place where the last Meeting was appointed to have been held, or at some other convenient Place within the said City of *Carlisle* or the Suburbs thereof, as they or he shall think proper, between the Hours of Ten in the Forenoon and Four in the Afternoon of such Day on which such Meeting shall be called, Notice thereof being given as is herein-after mentioned; and that at all Meetings to be held in pursuance of this Act the said Commissioners shall pay and defray their own Charges and Expences.

First and
other Meet-
ings of Com-
missioners.

Commissioners
to pay their
own Expences
at Meetings.

V. And be it further enacted, That previous to any Meeting of the said Commissioners to be held in pursuance of this Act, subsequent to such First Meeting as aforesaid, Notice thereof in Writing, signed by the Clerk to the said Commissioners, of the Time and Place of every such Meeting shall

Notice to be
given of
Meetings.

shall be affixed on the Market Cross of the said City of *Carlisle*, and upon such other Places or Buildings as the said Commissioners shall from Time to Time direct or appoint, at least Three Days before every such Meeting.

No Act to be valid unless at a Meeting.

VI. And be it further enacted, That no Act, Order, or Proceeding of the said Commissioners shall be valid, unless made or done at some Meeting to be held in pursuance of this Act (except the Calling of Meetings as aforesaid); and that all the Powers and Authorities by this Act granted to or vested in the said Commissioners and all the Acts, Orders, and Proceedings to be made and done, or authorized or directed to be made and done by them, shall and may from Time to Time be exercised, done, and transacted, by the major Part of them present at any Meeting to be holden as aforesaid, such major Part not being less than Seven (except in Cases herein otherwise particularly directed); and that at every such Meeting for putting this Act in Execution such one of the said Commissioners present, as the major Part of them then attending shall by Ballot or otherwise appoint, shall be Chairman of such Meeting; and if upon any Question there shall happen to be an Equality of Voices of the Commissioners assembled (including the Chairman's Vote) the Chairman shall have a Casting Vote.

Restriction as to revoking Orders.

VII. And be it further enacted, That no Order made by the said Commissioners at any of their Meetings, shall be revoked or altered, unless at some Meeting to be held for that Purpose (of which Three Days Notice shall be given as aforesaid, therein expressing the Occasion of such Meeting), and also unless a greater Number of Commissioners shall attend at such Meeting to revoke or alter the same, than were present to make such Order; any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

Proceedings of Commissioners to be entered in a Book.

VIII. And be it further enacted, That fair and regular Entries shall be made in a Book to be provided for that Purpose, of all the Acts, Orders, and Proceedings of the said Commissioners, relative to the Execution of this Act, and of the Names of the Commissioners who shall be present at the respective Meetings; and One or more of the said Commissioners who shall be present at such Meeting, or their Clerk, shall always subscribe his or their Name or Names at the End of the Proceedings of the respective Meetings, and all such Entries being so signed shall be deemed Originals, and shall be allowed to be read in Evidence in all Causes, Suits, and Actions, touching any Thing done in pursuance of this Act; and that such Book shall, at any of the Meetings of the said Commissioners, and at all other seasonable Times, be open to the Inspection of the said Commissioners, and of all Persons rated or assessed for the Purposes of this Act.

Commissioners may hire Rooms for an Office and Storehouse.

IX. 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 to hire any Room, Building or Buildings, as they shall think fit, in any convenient Part or Parts of the said City of *Carlisle*, for the Purpose of making use thereof, and for an Office or Offices for keeping their Accounts, and doing the Business relating to this Act, and as a Storehouse or Storehouses for keeping their Implements or Materials, and for other the Purposes of this Act; and to pay, out of the Money to arise by the Rates to be made in pursuance of this Act, such yearly Rent or Rents as they the said Commissioners

Commissioners shall from Time to Time agree upon, and also to accept and take a Lease of such Room, Building, or Buildings, to themselves, or any of them, or any Person or Persons in Trust for them, for any Term or Number of Years, at and under such yearly Rent or Rents as they shall from Time to Time think fit.

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

No Commissioners to hold any Office, etc.

XI. And be it further enacted, That it shall be lawful for any Commissioner appointed or to be appointed to put this Act in Execution, who is or shall be in the Commission of the Peace for the said City of *Carlisle*, or for the said County of *Cumberland*, 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 City and Suburbs may be admitted, and shall not be adjudged to be incompetent Witnesses for the Purposes of this Act, by reason of their being Inhabitants of the said City and Suburbs.

Commissioners may act as Justices of the Peace in putting this Act in Execution.

Inhabitants deemed competent Witnesses.

XII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, at their First or any succeeding Meeting, by any Writing under their Hands and Seals, to elect and appoint a Clerk and Treasurer, and such Surveyor or Surveyors, and other Officers as they shall find necessary for the Execution of this Act; and from Time to Time to remove all or any of such Officers as they shall see Occasion, and appoint another or others in case of such Removal or in case of Death, and out of the Money arising by the Rates or Assessments to be raised, levied, and collected, by virtue of this Act, to make such Allowance or Allowances to such Officers, for their Care and Pains in the Execution of their Offices, as they the said Commissioners, or any Five or more of them, shall judge reasonable and proper, so as such Officers do give Security to the Satisfaction of the said Commissioners, or any Five or more of them, for the due Performance of their Trusts and Offices.

Commissioners may appoint Officers.

XIII. And be it further enacted, That in case of the Death of any such Officer or other Person to be appointed under and by virtue of this Act, or of his becoming a Bankrupt, the Executors or Administrators of such Officer or other Person, or the Assignees of his Estate and Effects, or other Person or Persons possessing the same, shall deliver up to the said Commissioners, or any Person appointed by them, all Books, Papers, Writings, and other Things, concerning the Office of such Officer, or otherwise relating to the Execution of this Act, which shall come to the Hands or Possession of such Executors, Administrators, Assignees, or other Persons, as aforesaid; and in case of Non-delivery of such Books, Papers, Writings, and Things, within the Space of Ten Days after the same shall be demanded by the said Commissioners, or by some Person by them appointed so to do, it shall be lawful for the said Commissioners to commence and prosecute any Action or Actions, Suit or Suits, in any of His Majesty's

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

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Majesty's Courts of Record at *Westminster*, against such Executors, Administrators, Assignees, or other Person or Persons possessing the Estate and Effects which did belong to such deceased Person or Bankrupt, for the Recovery of full Damages in lieu of such Books, Papers, Writings, and Things, together with the Costs of every such Action or Suit.

Commissioners may sue and be sued in the Names of their Clerk or Treasurer.

XIV. And be it further enacted, That the said Commissioners shall and may sue and be sued in the Name of their Clerk or Treasurer; and that no Action which may be brought or commenced by or against the said Commissioners or any of them, by virtue or on account of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said Commissioners, at a publick Meeting to be held for that Purpose; but the Clerk or Treasurer to the said Commissioners for the Time being shall always be deemed Plaintiff or Defendant in such Action, as the Case may be, and may in all Cases sign Notices or Summonses for and on Behalf of the said Commissioners: Provided always, that every such Clerk or Treasurer, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, by or on Behalf of the said Commissioners, in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put to or become chargeable with, by reason of his being so made Plaintiff or Defendant therein.

Power to make a Way from Botchergate through the Citadel into the City.

XV. And be it further enacted, That the said Commissioners, or any Five or more of them, shall and they are hereby vested with full Power and Authority to open and make a proper Avenue, Way, and Passage, from that Part of the Street called *Botchergate*, which lies within the Liberties of the said City, through the Citadel situate within the said City, into the said City, and for that Purpose to take down so much of the Citadel of the said City as will make the said Avenue, Way, or Passage of the Width of Ten Yards or thereabouts, and Thirty-one Yards or thereabouts in Length, upon Condition that such Part of the said Citadel as shall be affected by the making the said Passage, shall be by the said Commissioners effectually secured from Damage; and a Wall on each Side of the said Passage or Way of proper Height, with proper Doors in the Center, shall be erected by the said Commissioners, to prevent Trespasses being committed upon or within the said Citadel; and that the said Commissioners, or any Five or more of them, shall have full Power and Authority to treat and agree with the Owner and Occupier of, and all other Person and Persons interested in Two Messuages or Dwelling Houses and Outhouses, with their Appurtenances, now or late the Property of *Robert Nanson*, and now or late in the several Occupations of *William Nanson* and *Thomas Elliot*, for the Purchase of, or to become seised or possessed of the same, or any Part thereof; and upon Payment of such Sum or Sums of Money as shall be agreed upon to be paid for such Purchase, or adjudged and determined in Manner herein-after prescribed, to cause such Dwelling Houses and Outhouses, or so much thereof as shall be necessary, to be pulled down, and the Grounds whereon such Houses and Outhouses now stand, or so much thereof as shall be necessary, to be laid open for and towards a proper Avenue, Way, and Passage, from that Part of the said Street called

called *Botchergate*, which lies within the Liberties of the said City through the Citadel into the said City.

XVI. And be it further enacted, That if the said *Robert Nanson, William Nanson*, and *Thomas Elliot*, or any other Person or Persons seised or possessed, or who shall be seised or possessed of, or interested in the said Messuages or Dwelling Houses and Premises (upon Notice to them given or left in Writing at the Dwelling House or Houses, or Place or Places of Abode of the said *Robert Nanson, William Nanson*, and *Thomas Elliot*, or such other Person or Persons as aforesaid), shall, for the Space of Twenty Days after such Notice given or left as aforesaid, neglect or refuse, or be incapable, by reason of Infancy or otherwise, to treat, or shall not agree with the said Commissioners, or with any Person or Persons authorized by them, for the Sale and Conveyance of his, her, and their respective Estates and Interests therein, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby required to issue a Warrant or Warrants, Precept or Precepts, directed to the Sheriff of the County of *Cumberland*, who is hereby authorized, directed, and required accordingly to impanel, summon, and return a competent Number of substantial and disinterested Persons qualified to serve on Juries, not less than Twenty-four nor more than Forty-eight, and out of such Persons so to be impanelled, summoned, and returned, a Jury of Twelve Men shall be drawn, by some Person to be by the Court of General or Quarter Sessions herein-after mentioned appointed, in such Manner as Juries for the Trial of Issues joined in His Majesty's Courts at *Westminster*, are by an Act, made in the Third Year of the Reign of His late Majesty King *George the Second*, intituled, *An Act for the better regulation of Juries*, directed to be drawn, which Persons so to be impanelled, summoned, and returned as aforesaid, shall, by such Warrant or Warrants, Precept or Precepts, be required to come and appear before the Justices of the Peace for the County of *Cumberland*, at some Court of General or Quarter Sessions of the Peace to be holden in and for the County of *Cumberland* aforesaid, or at some Adjournment thereof, as in such Warrant or Warrants, Precept or Precepts shall be directed and appointed, and to attend such Court of General or Quarter Sessions from Day to Day, until discharged by the said Court; and all Parties concerned shall and may have their lawful Challenges against any of the Jurymen, but shall not be at liberty to challenge the Array; and the said Justices are hereby authorized and empowered, by Precept or Precepts, from Time to Time as Occasion shall require, to call before them all and every Person and Persons whomsoever, who shall be thought proper and necessary to be examined as a Witness or Witnesses, on his, her, or their Oath or Oaths, touching or concerning the Premises; and the said Justices, if they think fit, shall and may, on the Application of either Party, likewise authorize the said Jury to view the Place or Places, or Premises in question, in such Manner as they shall direct; and the said Justices shall have Power to adjourn the Court from Day to Day, as Occasion shall require, and to command such Jury, Witnesses, and Parties to attend until all such Affairs for which they were summoned shall be concluded; and the said Jury, upon their Oaths (which Oaths, as also the Oaths of such Person or Persons as shall be called upon to give Evidence, the said Justices are hereby empowered and required to administer), shall inquire of the Value of the said Messuages or Dwelling Houses and Out-houses,

Parties refusing or being incapable to treat, etc. Commissioners to issue their Precept for impaneling a Jury.

Jurymen may be challenged.

Justices may direct a View.

Verdict of
Jury final.

Where the
Sum assessed
shall not ex-
ceed the Sum
offered,
the Costs of
Assessment,
&c. shall be
paid by the
Person seized,
&c. and re-
tained by
Commissioners
out of the
Sum assessed.

Justices may
impose Fines
on Sheriffs,
&c. for De-
fault.

houses, with the Appurtenances, and shall assess and award the Sum or Sums of Money to be paid to the Owner and Occupiers of the said Messuages or Dwelling Houses and Outhouses, with the Appurtenances, for the Purchase thereof, and of their respective Estates and Interests therein; and the said Justices shall and may give Judgement for such Sum or Sums of Money so to be assessed; which Verdict or Verdicts, and the Judgement or Judgements, Determination and Determinations thereupon (Notice in Writing being given to the Owner and Occupiers of the said Messuages or Dwelling Houses and Outhouses, with the Appurtenances, of the Intention of the said Commissioners to apply to such Justices and Jury as aforesaid, at least Ten Days before the Time of holding such General or Quarter Sessions, as herein-before mentioned, by leaving such Notice at the Dwelling House of such Owner or Owners, or at his, her, or their last or usual Place or Places of Abode, or with the Tenant or Occupier of the Premises intended to be valued), shall be binding and conclusive to all Intents and Purposes whatsoever, against all Bodies Politick, Corporate, and Collegiate, and all and every Person and Persons claiming any Estate, Right, Title, Trust, Use, or Interest in, to, or out of the said Messuages or Dwelling Houses and Outhouses, with the Appurtenances, in Possession, Reversion, Remainder, or Expectancy, as well Infants and Issue unborn, Lunatics, Idiots, and Femes Covert, and Persons under any other legal Dilability or Incapacity, their, his, and her Heirs, Successors, Executors, and Administrators, as all other Persons whomsoever; and the said Verdict and Verdicts, Judgement or Judgements, Determination or Determinations, and all other Proceedings of the said Justices and Juries so to be made, given, and pronounced as aforesaid, shall be fairly written on Parchment, and signed by the Clerk of the Peace for the Time being for the said County of *Cumberland*, or his Deputy; and in case it shall so happen that the Sum or Sums of Money so to be assessed and awarded in consequence of such Refusal to treat and agree as aforesaid, as the Value of such Messuages or Dwelling Houses and Outhouses, with the Appurtenances, shall not exceed the Sum or Sums of Money which the said Commissioners, or any Person or Persons authorized by them, shall have previously offered to pay as and for such Value, Recompence, and Satisfaction, then and in every such Case all reasonable Costs, Charges, and Expences of causing and procuring such Value and Recompence to be assessed and awarded as aforesaid, and of so assessing and awarding the same, shall be borne and paid by the Person or Persons so seized or possessed of, or interested in the said Messuages or Dwelling Houses and Outhouses, and so refusing to treat and agree as before mentioned respectively; and the said Commissioners are hereby authorized and empowered to deduct and retain the said Costs, Charges, and Expences out of the Sum or Sums of Money so to be assessed or awarded as aforesaid, or out of any Part thereof.

XVII. And be it further enacted, That the said Justices shall have Power from Time to Time to impose any reasonable Fine, not exceeding the Sum of Ten Pounds, on each Sheriff, or his Deputy or Deputies, Bailiffs or Agents respectively making Default in the Premises, and on any of the Persons who shall be summoned and returned on any such Jury or Juries, and shall not appear, or appearing shall refuse to be sworn on the said Jury or Juries, or being so sworn, shall not give his or their Verdict, and also on any Person or Persons who shall be summoned to give Evidence

Evidence touching any of the Matters aforesaid, and shall not attend, or attending shall refuse to be sworn or to affirm, or who shall refuse to give his, her, or their Evidence, and on any Person or Persons who shall in any other Manner wilfully neglect his, her, or their Duty in the Premises, contrary to the true Intent and Meaning of this Act; and from Time to Time to levy such Fine or Fines, by Order of the said Justices, by Distress and Sale of the Offender's Goods and Chattels, together with the reasonable Charges of every such Distress and Sale, returning the Overplus, if any, to the Owner or Owners; and that a Copy of the Order of the said Justices, signed by the Clerk of the Peace for the Time being of the said County of *Cumberland*, or his Deputy, shall respectively be sufficient Authority to the Person or Persons therein to be appointed, and to every other Person acting, or aiding and assisting therein to make such Distress and Sale; and all such Fines shall be paid to the said Commissioners, to be by them applied for the Benefit of the Poor of the said City and Suburbs, in such Manner as the said Justices shall think proper.

XVIII. And be it further enacted, That upon Payment of any Sum or Sums of Money, so agreed to be paid or assessed, to the Party or Parties to whom the same shall be so agreed or awarded, or on Tender thereof made at his, her, or their Dwelling House, or if he, she, or they shall at the Time have no Dwelling House, then at his, her, or their last usual Place or Places of Abode, or on the Premises intended to be valued, he, she, or they shall execute a Conveyance or Conveyances of the Premises which shall be so purchased, to the said Commissioners for the Purposes of this Act; but in case such Person or Persons to whom such Sum or Sums of Money shall be so agreed to be paid or awarded as aforesaid, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners, or shall refuse to execute such Conveyance or Conveyances, then and in every such Case as aforesaid, it shall be lawful to and for the said Commissioners to pay the said Sum and Sums assessed and awarded for such Purchase as aforesaid, 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 the Account and Credit of the Parties interested in the said Messuages or Dwelling Houses and Outhouses, 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 of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum and Sums of Money, is and are 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 the said Commissioners, or any other Person or Persons who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Money agreed to be given or assessed for Premises, how to be tendered;

if refused, how to be disposed of.

Premises purchased to vest absolutely in Commissioners.

XIX. And be it further enacted, That, immediately after paying such Purchase Money as aforesaid into the Bank of *England*, the said Messuages or Dwelling Houses, and Outhouses, with the Appurtenances, in respect whereof such Money shall have been so paid, shall vest in the said Commissioners, in Manner and for the Purposes aforesaid, who shall be deemed in Law to be in the actual Possession thereof, to all Intents and Purposes whatsoever, freed and discharged from all former and other Estates, Rights, Titles, Interests, Claims, and Demands whatsoever.

Where Part of a Building only shall be necessary to be taken down, the Owner shall compel the Trustees to purchase the Whole.

XX. And be it further enacted, That where it shall be thought necessary for the Purposes of this Act that a Part of such Messuages, Dwelling Houses, or Premises shall be purchased for the Purposes of this Act, and the Owner or Proprietor, or Owners or Proprietors thereof shall be minded and desirous to sell and dispose of the Whole of such Messuages, Dwelling Houses, or Premises, and of such his, her, or their Mind or Desire shall give Notice in Writing to the Clerk or Treasurer for the Time being to the said Commissioners, then and in such Case the said Commissioners shall and they are hereby required to purchase the Whole of such Messuages or Dwelling Houses and Premises, the Value thereof, in case of Difference, to be ascertained in Manner aforesaid.

Application of Compensation if amounting to 200*l*.

XXI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Messuages, 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 Disability or Incapacity as herein mentioned, 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, 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 Messuages, Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrance, or of any Part thereof, as the said Court shall authorize to be paid, affecting the same Messuages, Lands, Tenements, or Hereditaments, or affecting other Messuages, 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, and 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

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 Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Messuages, 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 of *England*, 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 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 of Compensation if less than 200*l.* and exceeding 20*l.*

XXIII. 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 any of the Purposes of this Act, in such Manner as the said Commissioners, or any Five or more of them, 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.

Application of Compensation, if less than 20*l.*

XXIV. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Messuages, Buildings, Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends

Where any Question shall arise touching such Money, the Person in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto.

vidends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Messuages, Buildings, Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

The Court
of Chancery
may order
Expences of
Purchases to
be paid.

XXV. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Houses, Buildings, Lands, Tenements or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Houses, Buildings, Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

Tenants at
Will to de-
liver Possession
upon Six
Months
Notice.

XXVI. And be it further enacted, That every Tenant at Will, or Lessee for a Year, or any other Person or Persons in Possession of the said Messuages or Dwelling Houses and Outhouses, with the Appurtenances, or any Part thereof, which shall be purchased by virtue and for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will, or Lessee for a Year, or from Year to Year, shall deliver up the Possession of such Premises to the said Commissioners, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Six Calendar Months Notice to quit such Possession from the said Commissioners, or from the Person or Persons so authorized by them; and such Person or Persons in Possession shall, at the End of the said Six Calendar Months, whether such Notice be given with Reference to the Time or Times of such Tenants Entrance, or holding, or not, or as soon after as he, she, or they shall be required by such Notice, peaceably and quietly deliver up the Possession of the said Premises to the said Commissioners, or to the Person or Persons authorized by them to take Possession thereof; and that in case any such Person or Persons so in Possession as aforesaid shall refuse to give such Possession as aforesaid, it shall be lawful for any Two or more of the Justices of the Peace for the said County of *Cumberland* to issue their Precept or Precepts to the Sheriff of the said County of *Cumberland*, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts

cepts be nominated to receive the same; and the said Sheriff is hereby required to deliver such Possession accordingly of the said Premises, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods and Chattels, rendering the Overplus (if any) to the Owner or Owners thereof.

XXVII. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on the said Messuages or Dwelling Houses and Outhouses, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on Notice in Writing from the said Commissioners, or from such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages, at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, and on Payment of the Principal and Interest so due at the End of the said Six Calendar Months, convey, assign, and transfer his, her, or their Interest in the Premises to the said Commissioners, or to such Person or Persons as shall be appointed in Trust for them; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid, on such Payment or Tender thereof, that then all Interest on the Principal Money due on every such Mortgage shall from thenceforth cease and determine.

Mortgagees on being tendered the Principal and Interest to convey.

On Refusal, Interest to cease.

XXVIII. And be it further enacted, That the Conveyance of any Estate or Interest of any Feme Covert or Femmes Covert to the said Commissioners, or any Person or Persons in Trust for her or them, by Indenture or Indentures of Bargain and Sale, sealed and delivered by such Feme Covert or Femmes Covert in the Presence of and attested by Two or more credible Witnesses, and duly acknowledged, and to be enrolled in the High Court of Chancery, within Six Calendar Months after the making thereof, shall as effectually and absolutely convey the Estate and Interest of such Feme Covert or Femmes Covert in the Premises, or such Trustees as aforesaid, as any Fine or Fines, Recovery or Recoveries, would or could do if levied or suffered thereof in due Form of Law; and all Bargains and Sales whatsoever to be made of the Dwelling Houses and Outhouses so to be purchased by virtue and for the Purposes of this Act, and inrolled as aforesaid, shall have the like Force, Effect, and Operation in Law, to all Intents and Purposes, as any Fine or Fines, Recovery or Recoveries whatsoever would have had if levied or suffered by the Bargainer or Bargainers, or any Person or Persons seized of or entitled to any Estate or Interest in the Premises in Trust for such Bargainer or Bargainers, in any Manner or Form whatsoever.

Bargains and Sales to have the Force of Fines and Recoveries.

XXIX. And be it further enacted, That upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid, into the Bank of England, at the End of Six Calendar Months from the Time of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, in case he or they shall refuse to receive the same, the Cashier or Cashiers of the said Bank of England shall give a Receipt or Receipts for the said Money, in like Manner as is herein-before directed in Cases of other Payments into the Bank of England; and thereupon all the Estate, Right, Title,

Upon Payment of Principal into the Bank, Premises to vest in Commissioners.

[Loc. & Per.]

12 B

Title,

Title, Interest, Use, Trust, Property, Claim, and Demand, of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Commissioners, and they shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage or Mortgages, to all Intents and Purposes whatsoever.

Monies to be paid or tendered before any Use made of the Premises.

XXX. And be it further enacted, That all Sums of Money, or other Consideration, Recompence, or Satisfaction, to be paid or made, pursuant to any such Agreement or Verdict as aforesaid, or in Discharge of any such Mortgage, shall be paid or tendered to the Party or Parties entitled to the same, or paid into the Bank of *England* as aforesaid, before the said Commissioners, or any Person or Persons authorised by them, shall proceed to pull down the said Messuages or Dwelling Houses and Outhouses, or to use the Ground for any of the Purposes of this Act.

Penalty on giving false Evidence.

XXXI. And be it further enacted, That if any Person on his or her Examination upon Oath, to be taken by virtue of this Act, shall wilfully or corruptly give false Evidence, such Person so offending, and being thereof lawfully convicted, shall be and is hereby declared to be subject and liable to such Pains, Penalties, and Disqualifications, as by any Law now in being Persons convicted of wilful and corrupt Perjury are liable to.

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

XXXII. And whereas the Mayor, Aldermen, Bailiffs, and Citizens of the City of *Carlisle*, 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 Monies belonging to the Corporation of the City of *Carlisle* aforesaid; be it therefore enacted, That the Charges and Expences of obtaining this Act shall be paid and defrayed by the said Mayor, Aldermen, Bailiffs, and Citizens of the City of *Carlisle*; and the said Corporation of the City of *Carlisle* is hereby made liable and answerable for such Charges and Expences as aforesaid.

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

Assessors and Collectors to be appointed.

XXXIII. And, for defraying the Charges and Expences of purchasing and setting up a sufficient Number of Lamps, for lighting the Streets, Lanes, and other publick Passages and Places within the said City and Suburbs, and of maintaining and repairing the said Lamps so 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 Commencement of this Act, the said Commissioners shall and may yearly and every Year, upon such Days, and so often as there shall be Occasion, under their Hands, nominate and appoint, and they are hereby empowered to nominate and appoint, Two or more Inhabitants or Residents within the said City of *Carlisle* or the Suburbs thereof, to be Assessors and Collectors within the said City and Suburbs, in order to raise Money for the Purposes of this Act.

Commissioners to issue Summonses to appear before them.

XXXIV. And be it further enacted, That the Commissioners assembled at any such Meeting as aforesaid shall take Care that Summonses be issued under the Hands of Two or more of them, to the several Collectors and Assessors

Affessors appointed by virtue of this Act, thereby requiring them respectively to appear before them and the other Commissioners, at a certain Time and Place in such Summonses to be mentioned, not exceeding Six Days from the Date of such Summonses, and on their appearing the said Commissioners, or such of them as shall be then present, shall order and direct them how, to what Amount, 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 hereinafter is directed.

XXXV. 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, assembled at such Meetings as aforesaid, shall be ordered and directed, upon all and every Occupier or Occupiers of any Messuage, Dwelling House, or Building, or any Messuages, Dwelling Houses, or Buildings, Gardens, or other Hereditaments, situate within the said City or Suburbs, such Rate or Rates, Assessment or Assessments, not to exceed in the Whole in any One Year One Shilling in the Pound on the improved yearly Value of the said Messuages, Dwelling Houses, Buildings, Gardens, or other Hereditaments (save and except a Rate or Assessment herein-after directed to be made for the Purpose of paying the Charges and Expences of purchasing the said Messuages or Dwelling Houses and Outhouses, with the Appurtenances, and opening and making the said Avenue, Way, and Passage, from the said Street called *Botchergate*, through the Citadel into the said City, with Interest for the same), such yearly Value to be from Time to Time settled according to the respective Value at which such Messuages, Dwelling Houses, Buildings, Gardens, or other Hereditaments, shall be respectively rated for the Relief of the Poor, except in respect to the Messuages, Dwelling Houses, or Buildings, Gardens, or other Hereditaments, situate within the Abbey of the said City, or the Precincts thereof, and which Messuages, Dwelling Houses, or Buildings, Gardens, or other Hereditaments so situate, shall be rated and assessed equally with Messuages, Dwelling Houses, or Buildings, Gardens, or other Hereditaments, situate in other Parts of the said City or Suburbs.

Assessors to settle a Pound Rate.

XXXVI. 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 City and Suburbs shall, and they are hereby required, at all seasonable Times, to permit the said Commissioners, or any of them, or their Treasurer, Clerk, Assessors or Collectors, or any other Person or Persons to be appointed by the said Commissioners, to peruse and inspect the said Rates or Assessments made for the Relief of the Poor of the said City and Suburbs, and to make a Copy or Copies thereof, or such Part or Parts thereof as they shall think proper; and every such Churchwarden or Overseer 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 they or he shall so neglect or refuse.

Power to inspect Poor Rates.

XXXVII. And

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

Commissioners to examine the Rate Assessors make upon themselves.

Assessments to be signed by the Commissioners.

Allowance to the Collectors.

Penalty on Assessor or Collector refusing to perform his Duty.

Assessments how to be recovered.

XXXVII. 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 (which Oath 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 of Assessment (as the Case shall be) upon all and every Occupier and Occupiers of any Messuage, House, Stable, Coach House, Shop, Cellar, Vault, Warehouse, Malthouse, Granary, Brewhouse, or other Building, Gardens, or Hereditaments, situate within the said City or Suburbs; 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 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 up 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.

XXXVIII. And be it further enacted, That the respective Collectors of the aforesaid Rates and Assessments, for collecting the aforesaid Sums, to be comprised in or charged by such Rates or 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, Two-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.

XXXIX. And be it further enacted, That if any Person appointed an Assessor or Collector as aforesaid shall refuse or neglect to perform his Duty in the due and speedy Execution of this Act, the said Commissioners, or any Five or more of them, may and shall by virtue of this Act impose on such Person or Persons 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.

XL. And be it further enacted, That the said Rates and Assessments, after 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 and 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 be

be lawful for such Collector or Collectors respectively, by Warrant under the Hands and Seals of the said Commissioners, or any Two or more of them, 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.

XLI. 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),

‘**T**O *A. B.* Collector of the Assessment for lighting the Streets, Lanes, and other Publick Passages and Places of the City of *Carlisle*, in the County of *Cumberland*, and the Suburbs of the said City: 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, passed in the Forty-fourth Year of the Reign of His Majesty King *George* the Third [*here insert the Title of this Act*], and such Distress you are to detain and keep for the Space of Three 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 and keeping such Distress, shall be sooner paid; and if the same shall not be paid before the End of the said Three Days, then you are hereby further commanded, as soon as may be, to sell the said Goods and Chattels which shall be by you distrained, and out of the Money arising by such Sale to detain the said Sum of _____ together with the reasonable Charges of making such Distress and Sale, rendering the Overplus (if any) to the said *C. D.* on Demand. Given under our Hands and Seals, the _____ Day of _____ in the Year of our Lord One thousand eight hundred and _____.’

Form of the Warrant.

XLII. Provided always, and be it further enacted, That no Person shall be rated or pay to the Rates or Assessments which shall be made by virtue and in pursuance of this Act, for or on Account of any Gardens, Garden Grounds, or Orchards, within the said City of *Carlisle* or the Suburbs thereof, during the Time they shall or may be occupied for the Purpose only of selling the Fruit and Produce thereof, or for or on Account of any Arable, Meadow, or Pasture Ground, held or occupied within the said City of *Carlisle*, or the Suburbs thereof; nor shall any Person be rateable by virtue of this Act for or in respect of any Stock in Trade, Money, or Personal Estate, or for or in respect of any publick Building or Buildings, or Places for Religious Worship; any Thing in this Act contained to the contrary notwithstanding.

Exceptions of Premises being rated.

XLIII. Provided always, and be it further enacted, That if any Person shall find him, her, or themselves, aggrieved by any such Rate or Rates, Assessment or Assessments, or if any Dispute or Differences shall arise between the several Occupiers of any Messuage, House, Stable, Coach House, _____

Person aggrieved to appeal to Commission-ers at their Meeting, for holding Appeals.

[*Loc. & Per.*]

12 C

House, Shop, Cellar, Vault, Warehouse, Malthouse, Granary, Brew-house, or other 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 by virtue of this Act, it shall be lawful for such Person or Persons to appeal to the said Commissioners at their next Meeting for hearing Appeals; and the said Commissioners 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.

Rate to be made for making Avenue, &c.

XLIV. And be it further enacted, That the Charges and Expences incident to and attending the opening and making a proper Avenue, Way, and Passage, from the said Part of the said Street called *Botchergate*, which lies within the Liberties of the said City, through the Citadel into the City, and of purchasing and taking down the said Messuages or Dwelling Houses and Outhouses, together with Interest for the same, shall be paid by the said Commissioners out of the first Money to be raised by virtue of this Act; and for that Purpose it shall be lawful for the said Commissioners, and they are hereby authorized and required so soon as conveniently may be after the Commencement of this Act, to cause one or more Rate and Assessment, or Rates and Assessments, to be made upon the Tenants and Occupiers of all and every the several Messuages, Dwelling Houses, or Buildings, Gardens, or other Hereditaments, within the said City of *Carlisle* and the Suburbs thereof, rateable and assessable by virtue of this Act, in proportion and according to the Rents and Values thereof respectively, and to cause such Rate and Assessment to be collected, gathered, received, levied, and recovered, in like Manner as the other Rates and Assessments are herein mentioned and directed to be levied and recovered.

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

To be repaid by the various Occupiers.

XLV. And be it further enacted, That where any House or 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 any such House or Houses 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 or Persons 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.

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

XLVI. And be it further enacted, That where any Person or Persons coming into or occupying any House, Building, or Hereditaments, rated or assessed, or liable to be rated and assessed by virtue of this Act, out of or from which any other Person or Persons assessed shall be removed, or which, at the Time of making any Rate in pursuance of this Act, was empty or unoccupied, that then every Person so removing from, and every Person so coming into or occupying the same, shall be liable to pay

to such Rate, in proportion to the Time that such Person occupied the same respectively, in the same Manner, and under the like Penalty for Non-payment, as if such Person so removing had not removed, or if such Person so coming into and occupying such House, Buildings, or Hereditaments, had been originally rated and assessed in such Rate, which said Proportion, in case of Dispute concerning the same, shall, by the said Commissioners, be settled and ascertained.

XLVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and 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 made 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 to be given in the Churches of *Saint Mary* and *Saint Cuthbert* in the said City, immediately after Divine Service, of the Time and Place so appointed by the said Commissioners for hearing and determining Appeals as aforesaid, which the Clerks of the said Parish Churches are 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 affixed upon the principal outer Doors of the said Parish Churches, 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, in order 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.

Notice to be
given of the
Day of Ap-
peal.

XLVIII. 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 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 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 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 Person or Persons shall refuse or neglect to account for and pay such Sum and 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 Person or Persons, rendering the Overplus

Collectors to
account upon
Oath.

Collectors not
making Ac-
count and
Payment to be
committed to
Gaol.

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 any Two Justices of the Peace for the said City or County shall and may by virtue of this Act, by Warrant under their Hands and Seals, commit such Person or Persons to the Common Gaol of the said County of *Cumberland*, 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, which Composition the said Commissioners are hereby empowered to make and receive.

How the Mo-
nies raised to
be applied.

XLIX. 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, and other publick Passages and Places within the said City of *Carlisle* and the Suburbs thereof, and of repairing and maintaining the Lamps so to be erected and set up by virtue of this Act, and for lighting and supplying the same with all proper Materials, and for the other Purposes in this Act mentioned and expressed.

The Defici-
ency how to
be supplied.

L. 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 reason of any Messuage, Dwelling House, or Building, Gardens, or other Hereditaments, 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, Lanes, and other publick Passages and Places of the said City of *Carlisle* and the Suburbs thereof, 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 One Shilling in the Pound as aforesaid; and if at the End of any One Year, and the closing of 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.

Treasurer to
pay Money to
Commissioners
Order.

LI. And be it further enacted, That all and every the Treasurer and Treasurers to be appointed in pursuance of this Act shall, and is and are hereby authorized and required to pay and apply all such Monies as he or they shall respectively receive by virtue hereof, to such Person and Persons, and in such Manner, and at such Time and Times as the said Commissioners from Time to Time, by any Order or Orders under their Hands, shall direct and appoint, for the Uses and Purposes of this Act; and such Commissioners are hereby empowered to make such Order or Orders accordingly.

Treasurer and
Collector to
give Security.

LII. And be it further enacted, That the said Commissioners shall and they are hereby authorized to take such Security from the Treasurer or Treasurers,

Treasurers, Collector or Collectors, to be appointed for the Purposes of this Act, for the due Execution of his or their Office or Offices as to them the said Commissioners shall seem meet, such Security to be taken in the Name or Names of such one or more of the said Commissioners appointed by or in pursuance of this Act, as they the said Commissioners shall order and appoint.

LIII. Provided always, That no Person or Persons whomsoever shall be liable to serve the said Office of Collector oftener than Once in Ten Years, unless he or they shall voluntarily accept the same.

Persons not liable to serve the Office of Collector oftener than Once in Ten Years.

LIV. And be it further enacted, That some Time between the Twenty-fourth Day of *June* and the Twenty-ninth Day of *September* in every Year, a fair and just Account shall be made and transcribed of all Monies received and paid by virtue or in pursuance of this Act, and how, and to whom, and when, and for what Purpose the same have been laid out, paid, and expended, a Copy or Duplicate of which Account, signed by the said Commissioners, shall be deposited with the Clerk of the said Commissioners, who shall permit any Person or Persons rated or assessed as aforesaid, to inspect the same at all reasonable Times, paying One Shilling for such Inspection, and shall, upon Demand, deliver Copies of the same, or any Part thereof, to such Person or Persons, he, she, or they paying for the same after the Rate of Three-pence for every One hundred Words, and so in proportion for any greater or less Number; which Account, and a Copy, or Duplicate thereof, the said Commissioners are hereby empowered and required to cause to be transcribed, signed, and delivered accordingly.

Accounts to be made up annually.

LV. 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 City of *Carlisle* and the Suburbs thereof (except the Footpaths within the Abbey of the said City, and the Precincts thereof), as the said Commissioners, 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, as to them shall seem fit; and the Persons to 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 offending shall for every such Offence forfeit any Sum not exceeding Twenty Pounds, nor less than Five Pounds: 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.

Commissioners to direct the Footpaths to be taken up, etc.

Breadth of flagged or broad Pavements.

LVI. 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

Expences of taking up Footpaths, etc. how to be paid.

[Loc. & Per.]

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lay),

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 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 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 City of *Carlisle* or the Suburbs thereof, 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 City of *Carlisle* or Suburbs thereof, 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 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 City of *Carlisle* or County of *Cumberland*, which Warrant the said Justice or Justices is and 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 and 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, Malt House, Warehouse, 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, Malt Houses, 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

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 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 City of *Carlisle* or Suburbs thereof; and in case such Owner or Proprietor shall not reside within the said City of *Carlisle* or Suburbs thereof, 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, 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, Malt House, 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, 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 be lawful for such Tenant or Occupier, who shall have so paid, or have levied upon him any such 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.

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

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

LVII. 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 City of *Carlisle* or Suburbs thereof, 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

Footpaths not to be altered without Consent of Commissioners.

in

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 Nonpayment on Demand, in like Manner as any Penalty is herein directed to be recovered.

Footpaths to
be swept
Three Times
a Week.

LVIII. And be it further enacted, That every Occupier of any House or Tenement within the said City of *Carlisle* and the Suburbs thereof, 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 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.

LIX. And be it further enacted, That if any Person or Persons shall, after the Twenty-fourth Day of *June* One thousand eight hundred and four, 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 other Carriage whatsoever, or shall roll any Cask for the Space of Ten 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 Twenty Shillings nor less than Five Shillings.

Commissioners
may direct
Prosecutions.

LX. And be it further enacted, That the said Commissioners at any of their Meetings may and they are hereby empowered to order and direct Prosecutions against any Person or Persons for any Offence committed against this Act.

Commissioners
to purchase
Lamps, &c.

LXI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized and empowered from Time to Time as there shall be Occasion, to purchase, provide, affix, and set up, alter, and take down, or cause to be affixed and set up, altered, and taken down, such and so many Lamps as they shall from Time to Time find necessary and expedient, in, upon, and from any Dead Walls, and the Outside Walls of any House or Building within the said City of *Carlisle* or the Suburbs thereof, or in such other Manner, and in such Parts thereof, as they shall think proper, making good all such Damages as may at any Time happen to be done thereby.

Exempting
the Dean and
Chapter of
Carlisle from
the Rates.

LXII. Provided always, and be it further enacted, That nothing herein contained shall authorize or be construed, deemed, or taken to authorize the said Commissioners or their Successors to exercise any of the Powers vested in them by this Act, within the Abbey of the said City, and Precincts of the said Abbey, otherwise than is herein-after directed, or to make or levy any Rate or Rates upon the Right Worshipful the Dean and Chapter of the Cathedral Church of the said City or their Successors, for or in respect of Messuages or Tenements situate and being in the Abbey of the said City or the Precincts thereof; but that the said Dean and

Chapter

Chapter and their Successors shall be Commissioners for executing the several Clauses, Powers, and Matters herein contained, in respect to the Abbey of the said City, and the Messuages and Hereditaments situate therein or within the Precincts thereof, in case the said Dean and Chapter shall think proper to execute the same.

LXIII. And be it further enacted, That in case the said Dean and Chapter shall neglect or refuse to execute all or any of the Powers, Clauses, or Matters herein contained, for the Space of Fourteen Days next after a Notice in Writing, signed by the Clerk to the said Commissioners, shall have been served upon or left at the Dwelling House of any Member of the said Chapter, then in Residence, or served upon or left at the Dwelling House of the Receiver or Deputy Receiver of the said Dean and Chapter, to execute all or any of the Powers hereby vested in the said Dean and Chapter, then and in such Case the Commissioners herein-before appointed for the Purpose of executing the general Powers of this Act in the said City and the Suburbs thereof, and their Successors, shall make Complaint of such Neglect or Refusal to the Justices of the Peace at any General or Quarter Session of the Peace to be holden in and for the said County of *Cumberland*, giving Fourteen Days previous Notice in Writing to the said Dean and Chapter, to be signed and served as last aforesaid, of their Intention to make such Complaint, and the said Justices at such Session, after hearing both Parties, or upon Proof of such last mentioned Notice having been given, shall hear and determine the Matter of such Complaint, and if they shall judge the same Complaint to be reasonable, shall award such Sum or Sums of Money, or Penalty, against the said Dean and Chapter, as to the said Justices shall seem reasonable and sufficient to enforce the due Execution of all or any of the Clauses and Powers directed to be carried into Execution by the said Dean and Chapter, such Sum or Sums of Money, or Penalty or Penalties, to be levied by a Warrant or Warrants under the Hand of any of the said Justices, by Distress on the Goods and Chattels of the said Dean and Chapter, and by Sale thereof, in case they shall not be redeemed in Ten Days, returning to the said Dean and Chapter the Overplus (if any there shall be), after deducting the said Penalty and Penalties; and the Charges of such Distress and Sale, and such Penalty and Penalties when levied, to be paid to the said Commissioners, and by them applied for the general Purposes of this Act: Provided always, that it shall be lawful for the said Dean and Chapter, if they shall think themselves aggrieved by any such Determination of the said Justices, to appeal therefrom, and to remove the Record of any Proceedings thereon by Writ of *Certiorari* into any of His Majesty's Courts of Record at *Westminster*.

Manner of proceeding in case the Dean and Chapter shall neglect to execute the Powers vested in them by this Act.

LXIV. And be it further enacted, That it shall be lawful for the said Commissioners to contract with any Person or Persons for a sufficient Number of Lamps, necessary to fix and set up in the said City of *Carlisle* and the Suburbs thereof, and for Irons, Posts, and other Materials and Utensils needful for fixing the same, from Time to Time, and for providing the said Lamps with all Requisites, and for lighting, supporting, attending, and repairing the same, and also for One or more Fire Engine or Fire Engines, together with a sufficient Number of Leather Buckets, and other Matters and Things relating thereto, as the said Commissioners, assembled at any such Meeting, shall think proper; and to

Commissioners to have Power to contract for Lamps, etc.]

[Loc. & Per.]

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purchase,

purchase, lease, or agree for a proper and convenient House or Place for keeping the same; and to make and enter into any such other Contracts and Agreements as they shall judge expedient and proper to answer the Intents and Purposes of this Act.

Lamps, &c.
vested in Com-
missioners.

Penalty on
Persons wil-
fully breaking
Lamps.

Satisfaction
to be made
for Damage
accidentally
done to
Lamps.

LXV. And be it further enacted, That the Property of and in all the said Lamps, Lamp Irons, and all other Materials and Furniture thereto belonging or affixed, shall be and is hereby vested in the said Commissioners, and they are hereby authorized and empowered to bring Actions and prosecute Indictments against any Person or Persons for stealing, taking, or carrying away, breaking, extinguishing, spoiling, or damaging the same; and all and every Person or Persons who shall wilfully or maliciously break, throw down, take away, damage, or spoil any Lamp or Lamps put up by virtue of this Act, or extinguish the Lights therein, or wilfully damage the Posts, Irons, or Furniture thereof, or wilfully hinder or obstruct any of the Commissioners or Officers employed in any Manner in the Execution of this Act, every Person or Persons offending in any of the Matters aforesaid, which shall be taken and deemed distinct and separate, shall, upon being convicted thereof by the Oath of One or more credible Witness or Witnesses, or his, her, or their own Confession, before any Justice of the Peace for the said City of *Carlisle* or County of *Cumberland* (which Oath such Justice is hereby empowered and required to administer), shall forfeit for the first Offence any Sum not exceeding Twenty Shillings for every Lamp, Lamp Post, or Iron so broke or damaged; for the Second Offence any Sum not exceeding Forty Shillings, and for the Third and every other Offence any Sum not exceeding Five Pounds, One Half of which respective Penalties shall go to the Informer, and the other Half to the said Commissioners, to be disposed of and applied as the other Forfeitures are hereby directed to be disposed of and applied; and in case any Person or Persons shall carelessly, negligently, or accidentally break, throw down, or otherwise damage any of the said Lamps so to be put up as aforesaid, or the Irons, Posts, or other Furniture thereof, and shall not immediately on Demand make Satisfaction for the same, then and in such Case it shall be lawful for any One or more Justice or Justices of the Peace for the said City of *Carlisle* or County of *Cumberland*, upon Proof thereof upon Oath as aforesaid (which Oath such Justice or Justices is and are hereby empowered and required to administer), of One or more Witness or Witnesses, or by the Confession of the Party or Parties, to award such Sum and Sums of Money by way of Satisfaction for such Damage, as such Justice or Justices shall think reasonable; and in case of Refusal or Neglect to pay any of the Sums of Money so awarded, within Six Days next after demanded, to cause the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, to be levied by Distress and Sale of the Goods and Chattels of such Person or Persons who shall so have done such Damage, rendering to him, her, or them the Overplus (if any shall be) after deducting the Costs and Charges of such Warrant, and of such Distress and Sale, when demanded; and in case sufficient Distress cannot be found, or such Penalties or other Sums so awarded as aforesaid shall not forthwith be paid, such Justice or Justices is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to cause the Offender or Offenders to be apprehended and carried to the Common Gaol or House of Correction

redition for the said County of *Cumberland*, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties or Damages, and all reasonable Charges attending the Recovery thereof, shall be sooner paid or satisfied.

LXVI. And be it further enacted and declared, That all Contracts entered into by the said Commissioners with any Workmen or other Person or Persons for any of the Purposes of this Act, shall be binding upon such Workmen or other Person or Persons making the same; and that Actions and Suits may be maintained by the said Commissioners thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof; and that the Sum of Money requisite for fulfilling the said Contracts according to the true Intent and Meaning thereof, shall be the Measure of the Damages to be recovered in any Action against such Contractor or Contractors as aforesaid, making Default in fulfilling his or their said Contract or Contracts; any Law or Usage to the contrary thereof notwithstanding; and all such Damages and Costs as shall be so recovered, shall be applied to the Uses and Purposes of this Act.

Contracts to be binding.

LXVII. And be it further enacted, That whenever any Action, Suit, or Prosecution, shall be brought by Order of the said Commissioners, or any of them, against any Person or Persons by virtue of or in pursuance of this Act, the same may be brought in the Name of their Treasurer or Clerk on Behalf of the said Commissioners; and no such Action, Suit, or Prosecution shall abate or be discontinued by the Death or Removal of the Person in whose Name the same shall be brought, or by the Act of such Person, without the Consent of the said Commissioners; but no such Treasurer or Clerk shall be subject to the Payment of any Costs or Expences on account thereof, but that all Costs and Expences to be incurred by or on Behalf of the said Commissioners, or any Person or Persons employed by them in prosecuting and defending any Action, Suit, or Prosecution touching the Execution of this Act, shall be defrayed out of the Monies to be raised by virtue of this Act.

Actions, &c. to be brought in the Name of the Treasurer or Clerk.

LXVIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, at any Meeting to be held in pursuance of this Act, to exempt and discharge, at their Discretion, the Occupier or Occupiers of any Messuage, House, Stable, Coach House, Shop, Cellar, Vault, Warehouse, Malthouse, Granary, Brewhouse, or other Building or Hereditament, from the Payment of the Rate or Rates, Assessment or Assessments, or any Part thereof, by this Act authorized to be laid upon such Messuage, House, Stable, Coach House, Shop, Cellar, Vault, Warehouse, Malthouse, Granary, Brewhouse, or other Building or Hereditament, in case such Occupier or Occupiers shall, in the Judgement of the said Commissioners, be deemed unable by reason of his or their Poverty to pay the same.

Commissioners may exempt from Rate poor Persons.

LXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend in any way to change, lessen, abridge, impeach, annul, prejudice, or destroy any Rights, Privileges, Jurisdictions, Immunities, Rents, Tolls, Stallage, or lawful Customs belonging, due, or in any wise appertaining to the Mayor, Aldermen, Bailiffs, and Citizens of the City of *Carlisle*.

This Act not to injure Rights of Corporation.

LXX. And

Penalties how
to be applied.

LXX. 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 Five or more of them, shall under their Hands direct and appoint.

Mayor, etc.
to hear and
determine
Offences
against this
Act.

LXXI. And be it further enacted, That the Mayor of the said City for the Time being, or any One or more Justice or Justices of the Peace for the said City of *Carlisle* or County of *Cumberland*, 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 next 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 any of the Facts above mentioned, by One or more credible Witness or Witnesses, to issue a Warrant or Warrants for the apprehending of 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, or 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 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 City of *Carlisle* or County of *Cumberland*, 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 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 County, 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

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.

LXXII. Provided always, and be it further enacted, That nothing herein contained shall authorize, or be construed, deemed, or taken to authorize the Mayor of the said City for the Time being, or any One or more Justice or Justices of the Peace for the said City, or any Justice or Justices of the Peace for the said County of *Cumberland*, otherwise than at the General or Quarter Sessions of the Peace for the said County as herein-before directed, to take Cognizance of any Information or Complaint against the said Dean and Chapter, respecting any Matter or Thing in this Act contained, or to issue any Warrant or Warrants for levying any Penalty on the Goods and Chattels of the said Dean and Chapter, for the Purpose of enforcing the Execution of any of the Powers hereby directed to be carried into Execution by the said Dean and Chapter, in any Case where any such Information or Complaint shall be made, in respect of any Act done, omitted, or neglected, or refused to be done by the said Dean and Chapter within the said Abbey and its Precincts.

Justices not to take Cognizance of Complaints against the Dean and Chapter but at their Quarter Sessions.

LXXIII. 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 Damage in any Action on the Case.

Distress not to be illegal for Want of Form.

LXXIV. 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

Power to tender Amends.

[*Loc. & Per.*]

12—11 E.

Judgements

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

No Conviction to be quashed for Want of Form.

LXXV. 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 Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

Appeal.

LXXVI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done or to be done in pursuance of this Act (and for which no particular Method of Relief is herein-before appointed), such Person or Persons may appeal to the Justices of the Peace for the said City of *Carlisle*, at their General or Quarter Sessions of the Peace to be held for the said City, within the Space of Six Calendar Months next after the Cause of Appeal shall have arisen, such Appellant or Appellants first giving or causing to be given Twenty Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Cause thereof, to the Treasurer or Clerk to the said Commissioners, and within Ten Days next after such Notice given, enter into a Recognizance before One of His Majesty's Justices of the Peace for the said City, with Two sufficient Sureties conditioned to try such Appeal at such General or Quarter Session, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Session; and the said Justices at such Session, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and shall award such Costs to either Party as they shall think proper; and the Determination of the Justices at such Sessions shall be final and binding upon all Parties.

Limitation of Actions.

LXXVII. 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 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 County of *Cumberland*, and not elsewhere; and the Defendant or Defendants in such Action or Suit, 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 Authority of this Act; and if the said Matter or Thing shall appear to be so done, or if it shall happen that such Action or Suit was brought before Twenty 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 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

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 Double 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.

LXXVIII. 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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