



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 8.

An Act for lighting, watching, and improving the Streets and other public Passages, within the Town of *Ware*, in the County of *Hertford*.

[25th March 1811.]

WHEREAS the Streets and other public Passages and Places within the Town of *Ware*, in the County of *Hertford*, including that Part thereof which lies within the Parish of *Great Amwell*, and Liberty of *Little Amwell*, are not lighted or watched, and are subject to various Encroachments, Nuisances, Annoyances, and Obstructions: And whereas the said Streets and other public Passages and Places cannot be properly lighted and watched, and such Nuisances, Annoyances, and Obstructions, effectually removed and prevented for the future, without the 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 *Thomas Hope Byde* Esquire, *John Baron Dickinson* Esquire, *John Burr* Esquire, *Joseph Hooper* Esquire, the Reverend *Henry Allen Lagden*, *John Green*, *Thomas Green*, *Ambrose Proctor* Esquire, *William Leak*, *John Cobham*, *George Cass* the elder, *Richard Nicoll*, *Thomas Usborne* Timber Merchant, *Joshua Page*, *John Judson*, *Randall Brown*, *William Chück*, *Henry Matthews*, *Thomas Usborne* Malster, *John Cass*, *Thomas Kimpton* Malster, *John*

[Loc. & Per.]

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Proctor,

Commissioners appointed.

Proctor, Caleb Hitch the younger, John Hide, Edward Warren, Edward Hobbs, Thomas Tween, Samuel Dew Fearn, Richard Gridley North, John Green the elder, Solicitor, John Bell, Thomas Medcalf, Hannibal Dunn, William Murvell, John Tice, Thomas Mash, Nathaniel Humphrey, John Hollingsworth, Samuel Adams, Thomas Adams, Simon Norton, John Climenfon, William Cobham, the Reverend Edward Vennor, William King, William Marshall, James Harradence, Richard Lowe, William Thorowgood, Thomas Thorowgood, Thomas Creasy, John Ellis, Abraham Hudson, Daniel Hobbs, James Worford, Henry Page the elder, Thomas Cafs, and George Cafs the younger, shall be and are hereby appointed Commissioners for putting this Act in Execution; and that when and as often as any Commissioner hereinbefore particularly named, or to be appointed as hereinafter-mentioned, shall die, remove out of the Parish wherein he now doth or at the Time of such Appointment shall reside, or refuse to act (the same being declared at a Meeting of the said Commissioners to be held in pursuance of this Act,) it shall be lawful for the remaining Commissioners, or any Five or more of them, by Writing under their Hands, to appoint a fit Person within the Parish where the Vacancy shall have happened, to be a Commissioner in the Place of every Commissioner dying, removing, or refusing to act as aforesaid; and every Person so to be appointed, is hereby vested with the same Powers for putting this Act in Execution, as if he had been named a Commissioner in and by this Act.

Qualification
of Commis-
sioners.

II. Provided always, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless at the Time of his acting he shall be, in his own Right or in the Right of his Wife, in the actual Possession and Enjoyment or the Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Ten Pounds, or shall be Heir apparent of some Person having an Estate in Lands, Tenements, or Hereditaments of the clear yearly Value of Twenty Pounds, or shall be possessed of or entitled to a Personal Estate of the Amount or Value of Three hundred Pounds; and if any Person not being so qualified, shall presume to act as Commissioner in the Execution of this Act, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff, than that such Person had acted as a Commissioner in the Execution of this Act.

Commission-
ers not to act
as such, dur-
ing the Time
of holding
any Office of
Profit under
this Act;
but may act
as Justices.

III. Provided always, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, during the Time he shall hold any Office or Place of Profit, or have any Share or Interest in any Contract or Work to be made or done in pursuance of this Act; but it shall be lawful for such of the said Commissioners who shall be in the Commission of the Peace for the said County of *Hertford*, to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners.

IV. And be it further enacted, That the said Commissioners, or any Five or more of them, shall meet at the *Bull Inn* or some other Inn in the Town of *Ware* aforesaid, within Two Calendar Months next after passing this Act, between the Hours of Ten and Two, in order to put this Act into Execution; and shall and may then and from Time to Time afterwards, adjourn themselves to and meet at the Place aforesaid, or any other convenient Place within the said Town; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of the said Commissioners to act, any one or more of the said Commissioners who shall be present, may adjourn the Meeting to another Day, not later than Fourteen Days from the Day of such Adjournment; and in case of any Neglect or Omission to adjourn, any Three or more of the said Commissioners or their Clerk, shall and may call a Meeting at the Place where the last Meeting was appointed to be held, by Notice thereof, to be affixed on the outer Door of the Parish Church of *Ware* aforesaid, at least Seven Days before such Meeting; and that at all Meetings to be held in pursuance of this Act, the Commissioners shall defray their own Expences; but no Act of the said Commissioners shall be valid unless made or done at some Meeting to be held by virtue 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, shall and may from Time to Time be exercised by the major Part of them present at any Meeting to be holden as aforesaid, such major Part not being less than the Number by this Act authorized or directed to do such Business; and that when the Number of Voices shall be equal, the Chairman to be appointed at such Meeting shall have the decisive or casting Vote.

First Meeting
of Commis-
sioners;

may adjourn;

to defray
their own
Expences.

V. 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 or their Clerk, shall always subscribe his or their Name or Names at the End of the Proceedings at 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 Cases, Suits and Actions, touching any Thing done or to be done in pursuance of this Act; and that such Book shall at any of the Meetings of the said Commissioners, and at all other reasonable Times, be open to the Inspection of the said Commissioners, and of all Persons to be rated or assessed for the Purposes of this Act, and also of every Annuitant on the Rates or Assessments to be made by virtue of this Act.

Proceedings
to be entered
in a Book.

VI. 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, by Writing under their Hands, to appoint a Clerk and Treasurer, and also a Collector or Collectors of the said Rates or Assessments, and such other Officers as they shall find necessary for the Execution of this Act; and from Time to Time to remove such Officers at their Will and Pleasure; and out of the Money to arise by virtue of this Act, to appoint and pay such Salaries or other Allowances to the said Officers, and to all other Persons who shall be employed in or about the Execution of

To appoint a
Clerk, Trea-
surer and
Collectors.

To pay Sala-
ries or make
Allowances.

this

Officers to
account,

and pay over
Money.

this Act, as they shall judge reasonable and proper; and the said Commissioners, or any Five or more of them, shall and are hereby required to take such Security from their Treasurer and Collectors as they shall think proper, for the due Execution of their respective Offices; and every such Officer and Person to be appointed as aforesaid, shall, under their Hands (at such Time and Times and in such Manner as the said Commissioners or any Five or more of them shall direct) deliver to the said Commissioners, or any Five or more of them, or to such Person as they shall appoint, a true and perfect Account in Writing of all Matters and Things committed to his or their Charge by virtue of this Act; and also of all Monies which shall have been by him or them received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Money as shall remain in his or their Hands to the said Commissioners, or any Five or more of them, or to such Person as they shall appoint; and every Person so accounting shall upon Oath, if thereunto required by the said Commissioners, or any Five or more of them (which Oath any One of the said Commissioners is hereby empowered to administer) verify such Account; and if any such Officer or Person shall not make and render, or shall neglect or refuse to verify upon Oath such Account, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall not deliver to the said Commissioners, or any Five or more of them, or to such Person as they shall appoint, within Fourteen Days next after being thereunto required by Notice in Writing, signed by the said Commissioners, or any Five or more of them, and given or left at the last usual Place of Abode of such Officer or Person, all Books, Papers and Writings, in his Custody or Power, relating to the Execution of this Act, or give Satisfaction to the said Commissioners respecting the same, and Complaint shall be thereof made by or on the Behalf of the said Commissioners, or any Five or more of them, to any Justice of the Peace for the County or Place wherein such Officer or Person shall be or reside, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or by the Testimony of any credible Witness upon Oath (which Oath such Justice is hereby empowered to administer) it shall appear to such Justice, that any of the Monies which shall have been collected and raised by virtue of this Act, shall be in the Hands of such Officer or Person, such Justice is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause the same to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same; or if it shall in Manner aforesaid appear to such Justice, that such Officer or Person shall refuse or neglect to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers or Writings, relating to the Execution of this Act, shall be in the Custody or Power of such Officer or Person, and he shall have refused or neglected to deliver or give Satisfaction respecting the same as aforesaid, then such Justice shall commit such Offender or Person to the Common Gaol or House

House of Correction, there to remain without Bail or Mainprize until he shall make a true and perfect Account and Payment as aforesaid, or shall have compounded with the said Commissioners, or any Five or more of them, touching the same, and have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners, or any Five or more of them, are hereby empowered to make and receive), and until he shall deliver up all such Books, Papers and Writings as aforesaid, or give Satisfaction in respect thereof as aforesaid; but no Person who shall be committed on account of his not having sufficient Goods or Chattels as aforesaid, shall be detained in Prison for any longer Term than Six Calendar Months.

VII. And be it further enacted, That the said Commissioners shall and may sue and be sued in the Name of their Treasurer for the Time being, to be appointed under this Act; and that no Action or other Proceeding at Law, to be brought by or against the said Commissioners, or any of them, in relation to this Act, in the Name of their Treasurer, shall abate or be discontinued by the Death or Removal of such Treasurer, or by the Act of him, without the Consent of the said Commissioners, but that the Treasurer for the Time being shall always be Plaintiff or Defendant; and that every such Action or Actions, Suit or Suits, or other Proceedings at Law, shall be under the Management of the said Commissioners.

Commissioners to be sued in the Name of their Treasurer.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby authorized, directed and required, from Time to Time to cause the several Streets and other publick Passages and Places within the said Town, and in that Part thereof lying within the Parish of *Great Amwell*, and Liberty of *Little Amwell* aforesaid, to be lighted and watched, and all Obstructions, Nuisances and Annoyances therein, to be removed.

Commissioners to cause the Streets to be lighted and watched and Obstructions removed.

IX. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby empowered, from Time to Time, to cause Lamp Irons or Lamp Posts to be put or affixed into, upon or against the Walls or Pallisadoes of any Houses, Tenements, or Buildings, within the said Town, and that Part thereof within the said Parish of *Great Amwell*, and Liberty of *Little Amwell* aforesaid, or in such other Manner and Place as they shall think proper and convenient, and also to cause such Number of Lamps, of such Sizes and Sorts, to be provided and affixed, or put upon such Lamp Irons or Lamp Posts, as they shall think proper and necessary for lighting all or any of the said Streets, and other publick Passages and Places; and if any Person shall wilfully break, throw down, take away, spoil or damage any of the Lamps to be put up by virtue of this Act, or any of the Irons, Posts or other Furniture thereof, or wilfully extinguish the Light of any such Lamp, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, whereof One Moiety shall go to the Informer; and such Offender shall also pay to the said Commissioners, or to their Treasurer, such Sum of Money as shall be a full Compensation for the Damage so done; and in case any Person shall carelessly, negligently or accidentally, break, throw down, or otherwise spoil or damage any of the said Lamps,

Lamps, Lamp Irons and Posts to be affixed.

Penalty for breaking Lamps, &c.

[*Loc. & Per.*]

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or the Irons, Posts or Furniture thereof, and shall not upon Demand make Satisfaction for the Damage done thereto, it shall be lawful for any Justice of the Peace for the said County of *Hertford*, upon Proof thereof made by the Oath of any credible Witness, or on the Confession of the Party, to award such Sum of Money, by way of Satisfaction for such Damage, as such Justice shall think reasonable; and in Default of Payment thereof upon Demand, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person who shall have done such Damage, rendering the Overplus (if any) after deducting the Charges of prosecuting such Complaint, and of such Distress and Sale, to the Owner of such Goods and Chattels upon Demand.

Commissioners may contract for Work.

X. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby authorized and empowered from Time to Time, to contract and agree with any Person or Persons, for the doing and performing any of the Works by this Act authorized or directed to be done and performed; and every Contract so to be entered into shall be reduced into Writing, and signed by the said Commissioners, or any Five or more of them, and the Party or Parties contracting to perform such Works, shall specify the Works to be done, and the Prices to be paid for the same, and the Time or Times when such Works shall be performed and completed, and the Penalty to be paid in case of Non-performance thereof; and if any Person shall at any Time obstruct or hinder any Officer, Workman, or Person employed under or by virtue of this Act, in the Execution of his Duty, every Person so offending shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty for obstructing Officers.

No Contract to bind the Commissioners in their private Capacities.

XI. Provided always, and be it further enacted, That no Contract which shall be made by the said Commissioners for any of the Purposes of this Act, shall be binding upon the said Commissioners as Individuals in their private Capacities, nor shall any of them personally or their respective Estates be answerable for or subject to the Payment of the Interest of any Monies to be borrowed by virtue of this Act; and that all the Money which shall be paid, expended by or recovered against any of the said Commissioners or their Treasurer, or any Person or Persons to be employed by them, by Means of any Action, Prosecution, Proceeding at Law, or Appeal, for any Cause relating to this Act, or any Thing done by or under the Authority of the same, shall be borne and defrayed out of the Money which shall come to the Hands of the Treasurer to the said Commissioners by virtue of this Act:

Penalty on causing Obstructions.

XII. And be it further enacted, That if any Waggon, Cart or other such Carriage shall be left to stand or remain in any of the said Streets or other publick Passages or Places, with or without Horses or other Cattle, for any longer Time than shall be necessary for the loading or unloading thereof; or if any Stage Coach, Post Chaise, or other Carriage let to hire, shall be left to stand or remain in any such Street, Passage or Place, with or without any Horses, any longer Time than shall be necessary for taking up or setting down the Passengers, or for loading or unloading their Baggage; or if any Horse or other Cattle shall be suffered to stand at the Door or House of any Person, so as to obstruct or incommode the
Passage

Passage of any of the Footways; or if any Swine, Beast or other Cattle, shall be permitted to wander or be in or about, any of the said Streets, publick Passages or Places; or if any Timber, Bricks, Stones, Dung, Wood, Goods or other Things, shall be laid or placed and left to remain in any of the said Streets, or other publick Passages or Places, for any longer Time than shall be necessary for moving and housing the same; or if any Ashes, Rubbish, Dust, Dirt, or other Nuisance or Annoyance, shall be thrown, cast or laid in any of the said Streets, or other publick Passages or Places, and suffered to remain for any longer Time than shall be necessary for the Purpose of removing the same, then and in every such Case the Owner or Driver of every such Waggon, Cart, Chaise, Coach or other Carriage, and the Owner of such Swine, Beast or other Cattle, and of such Timber, Bricks, Goods or other Things which shall be left or suffered to remain as aforesaid, and the Person who shall throw, cast or lay any Ashes, Rubbish, Dust, Dirt, or other Nuisance or Annoyance as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Ten Shillings: Provided nevertheless, that no Person shall be subject to any Penalty by virtue of this Act, on account of any Rubbish or Dirt being in any of the said Streets or other publick Passages or Places before the House or Tenement of such Person, occasioned by the building, pulling down or repairing of such House or Tenement, so as there be convenient Room left for Carriages to pass, and a sufficient Way kept clean for Foot Passengers, by the Person laying or occasioning such Rubbish, or Dirt to be laid, and so as the Owner or Occupier of such House or Tenement do cause such Rubbish or Dirt to be removed out of such Street or Place at his own Costs or Charges, within a reasonable Time after such building, pulling down or repairing shall be completed, or upon Notice to be given to him or left at such House or Tenement for that Purpose in Writing, signed by the said Commissioners, or any Five or more of them, and so as that whilst the same shall be lying in such Street or Place, such Owner or Occupier shall set up and maintain a sufficient Light upon or against the same during the Night Time, to prevent Mischief happening to Passengers or Cattle.

Inhabitants not to be subject to a Penalty on account of Rubbish occasioned by building.

XIII. And, for raising Money towards answering and defraying the Charges and Expences of this Act, and of carrying the same into Execution, be it further enacted, That the said Commissioners, or any Five or more of them, shall and they are hereby authorized and required, once in every Year between *Lady Day* and *Midsummer Day*, to rate and assess such Sum of Money as they shall from Time to Time judge necessary, not exceeding in any One Year the Sum of One Shilling in the Pound, upon the respective Tenants or Occupiers of all Houses, Buildings, Gardens and Orchards, Corn and Malt Shops, Mills, Maltings, Warehouses, Brewhouses, and other Hereditaments and Estates within the said Town, and that Part of the said Town as lies within the said Parish of *Great Amwell* and Liberty of *Little Amwell*, according to the respective Annual Values thereof, such Annual Values to be from Time to Time settled according to the Sums at which such Houses, Buildings, Gardens, Tenements and other Hereditaments shall be respectively rated to the Relief of the Poor, previous to the making of such Rate or Assessment by the said Commissioners; and the Money so to be rated and assessed shall from Time to Time be paid to the Collector or Collectors to be appointed as aforesaid, at such Time and Times in every Year, and in such Manner as the said

Commissioners empowered to raise Money by Rates on Occupiers of Houses, &c.

said Commissioners, or any Five or more of them, shall direct, and shall be paid over by him or them into the Hands of the Treasurer to the said Commissioners.

Rates to be borne equally by Landlords and Tenants, etc.

XIV. Provided always, and be it further enacted, That One Moiety of the Rates or Assessments to be made by virtue of this Act, shall be borne and defrayed by the respective Owners or Landlords, and the other Moiety thereof by the respective Tenants or Occupiers, but all such Rates or Assessments shall from Time to Time be paid to the Collector or Collectors by such respective Tenants or Occupiers; and such Tenants or Occupiers are hereby authorized and empowered to deduct and retain out of their respective Rents, such Sums of Money as they shall respectively pay as aforesaid for and on the Behalf of their respective Landlords, and such Landlords are hereby respectively required to allow such Deduction upon the Receipt of the Remainder of their respective Rents: Provided also, that no Person shall be subject to the Payment of any Rate or Assessment by virtue of this Act, for, or in respect of any Lands, Pleasure Grounds, Gardens, Orchards, or Grounds held with any Dwelling-house or Tenement exceeding one Acre, or of any Tythes or Modus, or other Payments in lieu of Tythes; nor shall any Occupier of any Dwelling-house with its Appurtenances be subject to the Payment of any Rate or Assessment by virtue of this Act, who shall be only Tenant of Property chargeable to the said Rates or Taxes, which together shall not be of the yearly Value of Five Pounds, and shall not be Owner of any Property chargeable as aforesaid; but the Landlord or Owner of the House or Tenement occupied by such Person or Tenant thereof as aforesaid, shall bear and defray his Share or Proportion of such Rates or Assessments in respect thereof by virtue of this Act, which the Tenants thereof are hereby ordered to pay, and deduct the same out of their respective Rents on accounting with their respective Landlords; and no Person shall be subject to or charged with any Rate or Assessment by virtue of this Act, for or in respect of any House or Building, during the Time the same shall be empty or unoccupied; and that where any House, Building, Garden, Tenement, or Hereditament, in respect whereof any Rate or Assessment shall be made as aforesaid, shall be let or demised to more than one Tenant, any One or more of such Tenants shall be deemed the Occupier or Occupiers thereof for the Purposes of this Act.

Boundaries of the Town ascertained.

XV. And in order to ascertain the Boundaries of the said Town of *Ware*, and the Property liable to be rated and assessed for the Purposes of this Act, be it further enacted, That all Houses, Buildings, Gardens, Orchards, Pleasure Grounds, and Tenements on the Skirts of the said Town of *Ware*, in the Parishes of *Ware*, *Great Amwell*, and Liberty of *Little Amwell* aforesaid, or either of them, which shall stand, lie or be within One hundred Yards of any other House or Building within the same Town, shall be deemed and understood to be within the Town of *Ware* aforesaid, and shall be subject and liable to be rated and assessed for the Purposes of this Act.

Rates apportioned between Occupiers quitting and coming into any House.

XVI. Provided always, That in all Cases where any Person shall remove from, or quit any House, Building, Garden, Orchard, Tenement, or Hereditament, which shall be rated or assessed by virtue of this Act, such Person shall be liable to pay such Rate or Assessment in proportion to the Time he or she occupied the same; in like Manner as if he or she had not removed

removed or quitted the same; and in all Cases where any Person shall come into or occupy any House, Building, Garden, Orchard, Tenement, or Hereditament, rated or assessed as aforesaid, out of, or from which any other Person who shall have been rated or assessed for the same shall be removed, or which at the Time of making such Rate or Assessment was empty or unoccupied, the Person coming into or occupying the same, shall be liable to pay such Rate or Assessment in Proportion to the Time that he or she occupied the same, in like Manner as if he or she had been originally rated or assessed for the same; which said respective Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners, or any Five or more of them.

XVII. And be it further enacted, That in case any Person or Persons, who shall be rated or assessed, or subject or liable to the Payment of any Rate or Assessment to be made by virtue of this Act, shall refuse or neglect to pay any such Rate or Assessment to any such Collector to be appointed as aforesaid, for the Space of Seven Days after personal Demand thereof made, or Demand in Writing left at the usual or last Place of Abode of such Person or Persons, it shall be lawful for any Justice of the Peace for the County or Place wherein such Person or Persons so neglecting or refusing shall be or reside, upon Proof made upon Oath or Affirmation of such Demand and Non-payment, by Warrant under his Hand and Seal to authorize and direct the said Collector or Collectors to levy such Rate or Money so in Arrear, together with the Costs and Charges attending the same, to be ascertained by such Justice, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay as aforesaid, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels on Demand.

Recovery of Rates.

XVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to raise, either by Annuities or Annuity on a single Life or Lives, with or without Benefit of Survivorship, or on Annuities to be granted for a certain Term of Years, or by Way of Loan upon Bond or other Security, to be entered into by or by the Order and Direction of the said Commissioners, or any Five or more of them, any Sum or Sums of Money not exceeding in the Whole the Sum of One thousand Pounds for the several Purposes aforesaid; and that it shall and may be lawful to and for any Person or Persons to contribute, advance, and pay into the Hands of the said Commissioners, or any Five or more of them, or into the Hands of their Treasurer for the Time being, or such other Person or Persons as they the said Commissioners, or any Five or more of them, shall, by any Writing under their Hands and Seals, authorize to receive the same, for the Uses and Purposes before mentioned, any Sum or Sums of Money not exceeding in the Whole the Sum of One thousand Pounds, for the absolute Purchase of Annuities, or by way of Loan as herein-before is mentioned; the said Annuity or Annuities, if granted on a Life or Lives, to be paid and payable for and during the natural Life or Lives of the Contributor or Contributors, or for and during the natural Life or Lives of such Person or Persons as he, she, or they shall nominate respectively from the Time of Payment of their respective Contribution Money; and such Annuity shall or may be granted with or without Benefit of Survivorship, and upon such Terms and Conditions as the said Commissioners shall think proper; and the said Annuities, if granted for a Term of Years, to be granted for such Term of Years, and on such Terms and

Commissioners to raise not exceeding 1,000l. by Annuity Bonds &c.

[Loc. & Per.]

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Conditions

Conditions as the said Commissioners shall think fit ; all which said Annuities, and also the Principal and Interest of the Money to be borrowed and taken up as aforesaid, shall be paid and payable by the said Commissioners, at such Place as they shall appoint for that Purpose within the Town of *Ware* aforesaid ; and the Principal of such Money so to be borrowed and taken up by the said Commissioners at Interest as aforesaid, on the Credit of this Act, shall be repaid to the Person or Persons lending or advancing the same out of the said Rates, as often as the same shall amount to a sufficient Sum to discharge any one Bond, upon giving the Lender Six Months Notice in Writing for that Purpose, at the End of which Time, and Tender made of Payment, all Interest on such Bonds shall cease.

Annuities,
&c. charge-
able on the
Rates.

XIX. And be it further enacted, That all and every of the Annuities so to be purchased under or by virtue of this Act as aforesaid, and all and every Sum and Sums of Money to be borrowed and taken upon the Credit of this Act, and the Interest thereof, shall be, and the same are and is hereby charged upon and made payable, from Time to Time, out of the Monies arising by the Rates and Assessments by this Act directed to be raised and assessed as hereinbefore is mentioned ; and that all and every the Contributor or Contributors, or Lender or Lenders of any Money upon the Credit of this Act, duly paying the Consideration or Purchase Money for any such Annuity or Annuities, or otherwise advancing Money as aforesaid, or such Person or Persons as he, she or they shall appoint, his, her or their respective Executors, Administrators or Assigns, shall receive and enjoy, and be entitled, by virtue of this Act, to have, receive and enjoy the respective Annuity or Annuities so to be purchased, and the Principal and Interest of the other Monies which may be advanced as aforesaid, out of the said Rates or Assessments by this Act appropriated or appointed for Payment thereof, and all and every such Purchaser or Purchasers of such Annuity or Annuities, and other Person or Persons advancing Money as aforesaid, and his, her or their respective Executors, Administrators and Assigns, shall have a good, sure, absolute and indefeasible Estate, Right and Interest, in and to the said Annuities so to be by them respectively purchased, and in and to the said other Monies so to be advanced as aforesaid, according to the Tenor and true Meaning of this Act.

Annuityants
to have a
Grant.

XX. And be it further enacted, That every Contributor for the Purchase of any such Annuity or Annuities as aforesaid, under and by virtue of this Act, upon the Payment of any Money advanced by Way of Loan, shall take a Receipt or Receipts for so much Money as shall be so paid, and upon Payment of all the Purchase Money for any such Annuity or Annuities, or of any Sum or Sums of Money by Way of Loan, every such Contributor or Lender, his or her Assigns respectively, shall have a Grant or Security in Writing for Payment of the said Annuity or Annuities, for and during the natural Life or Lives of such Contributor or Contributors as aforesaid, or such Person or Persons as shall be nominated by him, her, or them, or for the Payment of such Sum or Sums of Money as may be so lent as aforesaid, which Grants or Securities shall be signed by the Treasurer herein directed to be appointed for the Time being, with the Consent of Five or more of the said Commissioners, to be testified by their Signature thereto, and shall respectively be in the Words or to the Effect following ; that is to say ;

KNOW

KNOW all Men by these Presents, That the Commissioners appointed Form thereof.
 by and acting under an Act, passed in the Fifty-first Year of the Reign
 of King George the Third, intituled [*here set forth the Title of the Act*]
 do by virtue of the said Act, and in Consideration of the Sum of
 [*insert the Consideration*] paid to them by [*describe the Purchaser or Pur-*
chasers] before the sealing and delivery of these Presents [*as appears*
by the Receipt indorsed hereon] grant and secure unto the said [*name the*
Purchaser or Purchasers, his, her or their Appointee or Appointees, as the
case may be] his, [*her, or their*] Executors, Administrators and Assigns,
 an Annuity [*here insert the Amount of the Annuity*] payable out of the
 Rates and Assessments made and assessed, and to be made and assessed
 by the Commissioners of or acting under the said Act, for the Purposes
 therein mentioned, which said Annuity shall be paid to the said [*name*
the Purchaser or Purchasers, his, her or their Appointee or Appointees]
 his, [*her, or their*] Executors, Administrators and Assigns, at [*here*
insert such Place as the Commissioners shall think fit to appoint] upon the
 Day of _____ and the _____ Day of _____
 in every Year, by equal Half-yearly Payments, during
 the natural Life, and proportionally up to the Day of the Death of _____
 [*or, during the natural Life and Lives of*
 _____ and the Survivor of them, and proportionally up to the
 Day of the Death of such Survivor; *or, during the natural Life and*
 Lives of _____ and _____
 and the Survivors and Survivor of them, and proportionally up to the
 Day of the Death of such Survivor; *or, during the Term of*
 Years now next ensuing, [*as the Case may be*] the first Payment thereof
 to be made on the _____ Day of _____ now next
 ensuing: In Witness whereof the Treasurer appointed by virtue of the
 said Act, hath hereunto set his Hand and Seal, the _____ Day of _____
 in the Year of our Lord _____
 Signed and sealed by the said
 the Treasurer appointed by virtue of the said }
 Act, with the Consent of us the Majority }
 of the Commissioners present at a Meeting }
 holden the Day and Year abovementioned. }

And also that all and every the Sum and Sums of Money to be advanced,
 lent and paid to or to the Order of the said Commissioners upon the Credit
 of this Act, on Bond, shall be secured by a Bond under the Hand and
 Seal of the Treasurer hereby directed to be appointed for the Time being,
 with the Consent of Five such Commissioners, testified as aforesaid, in
 the Words or to the Effect following; that is to say:

KNOW all Men by these Presents, That the Commissioners appointed Form of Bond.
 by and acting under an Act, passed in the Fifty-first Year of the
 Reign of King George the Third, intituled [*here set forth the Title of*
the Act] and their Successors, are held and firmly bound to
 _____ in the Sum of _____ to be paid
 to him [*or her or them*] the said _____ or to his
 [*or her, or their*] certain Attorney, Executors, Administrators or
 Assigns: In Witness whereof the Treasurer appointed by virtue of the
 said Act, hath hereunto set his Hand and Seal, this
 Day of _____ in the Year of our Lord _____

XXII. And be it further enacted, That there shall be provided by the said Commissioners, and kept by their Clerk, a Book or Books, in which shall be fairly written in Words at length, the Names and Additions of all such Persons as shall be Purchasers of any of the Annuities aforesaid, or shall lend any Sum or Sums of Money on Bond or other Security; and the Names of the Persons into whose Hands the said Purchasers or Lenders shall pay any Sum or Sums of Money upon the Credit of this Act, and also the Sum or Sums of Money so paid for the Purchase of Annuities, or lent on Bonds or other Security, and the respective Days of Payment thereof; and all such Assignments or Transfers respectively, shall be produced and notified to the Clerk to the said Commissioners, within Twenty-one Days after the Date thereof, and shall be by him entered in the said Book or Books; and after such Entry shall be made, every such Assignment or Transfer shall be deemed to pass the legal Property of and in such Annuity Bond, or other Security as shall be thereby assigned; and such Assignee or Assignees may in like Manner assign and transfer again, and so *toties quoties*; to which Book or Books the said Purchasers and Lenders, their Executors, Administrators, and Assigns, and any Person or Persons who shall be liable to pay any Rates or Assessments to be made by virtue of this Act, may at all reasonable Times have Recourse, and may inspect the same without Fee or Reward.

Names of
Annuitants,
&c. to be en-
tered in a
Book.

XXIII. And be it further enacted, That all Money to arise by or from the Rates or Assessments hereby authorized to be made and levied, and which may be advanced for Annuities as aforesaid, and also all Monies which shall come to the Hands of the said Commissioners, or any of them, or of their Treasurer, by virtue or for the Purposes of this Act, shall be applied and disposed of in the first Place in Payment and Discharge of all Charges and Expences attending the obtaining and passing this Act, and afterwards, from Time to Time, in paying the Annuities to be granted as aforesaid, and the Interest upon Bonds, and towards defraying the Charges and Expences of lighting and watching the several Streets, and other publick Passages and Places within the said Town, and that Part thereof lying within the Parish of *Great Amwell*; and Liberty of *Little Amwell* aforesaid, and all other Charges and Expences of carrying this Act into Execution.

How Money
raised shall
be applied.

XXIV. And be it further enacted, That the said Commissioners may and are hereby authorized and empowered from Time to Time, to hire and employ such and so many Watchmen in the said Town, for so long Time in the Night, under such Regulations, and for such Wages (to be paid out of the Money arising by virtue of this Act) as they shall think proper, and to provide Places of Reception for them, which Watchmen may be appointed and sworn Peace Officers, by any Justice of the Peace acting in and for the said County of *Hertford*; and if any Person during the Time he shall be hired and retained as a Watchman, shall neglect or refuse to perform his Duty, or shall misbehave himself in the Execution of his Office, he shall forfeit and pay for every such Offence any Sum of Money not exceeding Five Pounds, as shall be adjudged by a Majority of the Commissioners present at a Meeting to be called for that Purpose, or for the Purpose of putting any Part of this Act into Execution, and it shall be lawful for any such Watchmen, and they are hereby authorized and required, to apprehend and secure all Malefactors, Disturbers of the Peace, and other

Watchmen to
be appointed.

[*Loc. & Per.*]

G g

suspected

suspected Persons, who shall be found wandering or misbehaving themselves during the Hours of keeping Watch, and to carry such Persons as soon as conveniently may be, before some Justice of the Peace acting in and for the said County of *Hertford*, to be examined and dealt with according to Law.

Recovery of Penalties.

XXV. And be it further enacted, That all Penalties and Forfeitures by this Act imposed (the manner of recovering whereof is not hereby otherwise directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Hertford*, (which Warrant the said Justice is hereby empowered to grant, upon the Confession of the Party, or upon the Information of any credible Witness upon Oath), and shall, if not directed to be otherwise applied by this Act, be paid to the Treasurer to the said Commissioners, and applied for the Purposes of this Act, and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Goal or House of Correction at *Hertford*, in the said County of *Hertford*, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Form of Conviction.

XXVI. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form or to the like Effect; that is to say,

‘ **B**E it remembered, That on the _____ Day of _____
 ‘ _____ in the _____ Year of the
 ‘ Reign of His Majesty _____ A. B.
 ‘ is convicted before _____ one
 ‘ of His Majesty’s Justices of the Peace acting in and for the County of
 ‘ *Hertford*, by virtue of an Act of Parliament made in the Fifty-first Year
 ‘ of the Reign of His Majesty King *George* the Third, intituled [*set forth*
 ‘ *the Title of the Act, and specify the Offence, and the Time and Place when*
 ‘ *and where the same was committed, as the case shall be.*] Given under my
 ‘ Hand and Seal, the Day and Year aforesaid.

Inhabitants to be Witnesses.

XXVII. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes and Proceedings whatsoever, relating to or concerning the Execution of this Act, no Inhabitant of the said Town shall be disqualified from giving Evidence by reason of his being an Inhabitant, notwithstanding such Inhabitant is charged with and liable to pay any Rate or Assessment by virtue of this Act.

Distress not unlawful, or Proceedings quashed for want of Form;

XXVIII. And be it further enacted, That when any Distress shall be made for any Sum 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 a Trespasser or Trespassers, on account of any Defect or want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party distraining be deemed a Trespasser, *ab initio*, on account of any Irregularity which shall afterwards be done; but the Person aggrieved by such Irregularity shall and may recover full Satisfaction

Satisfaction for the special Damage in an Action upon the Case: Provided always, That no Plaintiff shall recover for such Irregularity, or for any Trespass or other wrongful Proceeding, unless Notice in Writing of the Intention to bring such Action shall be given to the Person against whom the same is to be brought, Twenty-one Days before such Action shall be commenced, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the cause of Action; nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends shall have been made to him, her or them, or his, her or their Attorney or Attornies, by or on the Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants, by Leave of the Court wherein such Action shall be brought, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Order and Judgment, shall be had, made and given in and by such Court, as in other Actions wherein the Defendant is allowed to pay Money into Court; and that no Order, Verdict, Assessment, Judgment or other Proceeding made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender against this Act, shall be quashed or vacated for want of Form only, or be removed or removable by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding. or removable
by *Certiorari*.

XXIX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment to be made, or other Matter or Thing to be done in pursuance of this Act, such Person or Persons may appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the said County of *Hertford*, within Six Calendar Months next after the Cause of Complaint shall have arisen; such Appellant or Appellants first giving or causing to be given Fourteen Days Notice at least in Writing of his, her or their Intention so to appeal, and of the Matter thereof, to the Clerk or Treasurer to the said Commissioners, or one of them, and within Four Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County of *Hertford*, with Two sufficient Securities conditioned to try such Appeal, and abide by the Order of, and to pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination therein shall be final, binding, and conclusive to all Parties to all Intents and Purposes. Appeal to
the Quarter
Sessions.

XXX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, until Twenty-one Days Notice shall be thereof given to the Clerk or Treasurer to the said Commissioners, or one of them, or after a sufficient Satisfaction or Tender thereof hath been made to the Party aggrieved, or after Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of *Hertford* and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may plead the General Issue, and give this Act or the special. Limitation
of Actions.

cial Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought before Twenty-one Days Notice shall be given thereof as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time hereinbefore limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall be nonsuited or discontinue his or her Action or Suit, after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff, then the Defendant shall recover Treble Costs, and have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases of Law.

Publick Act. XXXI. 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 others, without being specially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1811.