



ANNO QUINQUAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 76.

An Act for lighting and watching the Streets and other Places without the Walls, but within the Liberties, of *Newcastle-upon-Tyne*. [5th May 1812.]

WHEREAS by an Act, passed in the Third Year of the Reign of His present Majesty, intituled *An Act for lighting the Streets and other Places, and maintaining a regular and Nightly Watch within the Town and County of the Town of Newcastle-upon-Tyne; and for regulating the Hackney Coachmen and Chairmen, Cartmen, Porters, and Watermen within the same*, certain Provisions were made, and Powers granted to Commissioners therein named, for lighting and watching the said Town; but such Provisions and Powers were limited and confined to the Streets and Places lying within the Walls of the said Town, except in certain Cases therein mentioned, and which have not taken Place: And whereas it is expedient that proper Provisions and Powers should be also made and granted for the Purpose of lighting and watching the Streets and Places lying without the Walls of the said Town, but within the Liberties thereof: 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, Aldermen, Sheriff, and Town Clerk, of *Newcastle-upon-Tyne* aforesaid, and also *William Armstrong* Merchant, *Lancelot Atkinson* Broker, *Matthew Atkinson* Broker, *John Atkinson* Gentleman, *William Boyd* Merchant, *Matthew Carr* Gentleman,

Commissioners.

[Loc. & Per.]

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tleman, *Robert Cram* Gentleman, *Joseph Croser* Merchant, *Shallet Dale* Gentleman, *James Davenport* Gentleman, *John Gee* Paper Stainer, *Robert Gothard* Merchant, *William John Grey* Broker, *Sir Cuthbert Heron* Baronet, *John Head* Merchant, *Thomas Head* Merchant, *Edward Humble* Stationer, *William Lloyd* Gentleman, *Joseph Nixon* Gentleman, *Robert Rawkin* Merchant, *Robert Rayne* Merchant, *Robert Reay* Common Brewer, *Thomas Shadforth* Gentleman, and *Ralph Wallis* Gentleman, shall be and they are hereby appointed, together with the several Persons to be elected in Manner herein-after mentioned, Commissioners for putting this Act and the several Powers herein contained into Execution.

New Com-
missioners
how to be
appointed.

II. And be it further enacted, That at any Time after the Death of any of the said Commissioners, other than and except the Mayor, Recorder, Aldermen, Sheriff, and Town Clerk of the said Town and County of *Newcastle upon-Tyne*, or on the Disqualification, Incapacity or Refusal of any such Commissioner to act in the Execution of the Powers and Authorities hereby in them vested, it shall be lawful for the other of the said Commissioners from Time to Time and they are hereby required to elect and appoint such other Person or Persons, duly qualified as after mentioned, to be a Commissioner or Commissioners in the Place or Places of such Commissioner or Commissioners so dying, or becoming disqualified or incapable or refusing to act as aforesaid, as they shall think fit, such Election to be entered in a Book to be kept for that Purpose; and that every such Commissioner so from Time to Time elected and appointed, shall have the same Powers and Authorities in all Respects as if he had been originally nominated and appointed a Commissioner in and by this Act.

Qualification
of Commis-
sioners.

III. Provided always, and be it enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act unless he shall, either in his own Right or in the Right of his Wife, at the Time of his acting, be seised of or entitled unto, or be in the actual Possession of or in the Receipt of the Rents and Profits of Messuages, Lands, Tenements or Hereditaments, situate without the Walls, but within the Liberties, of the said Town, either for his own Life or for the Life of another Person, or for some greater or better Estate, of the clear yearly Value of Twenty Pounds, above Reprizes, or be possessed of or entitled in his own Right to a clear Personal Estate of the Value of Five hundred Pounds, clear of all Deductions, and be resident without the Walls, but within the Liberties aforesaid; and if any Person not being so qualified shall act as a Commissioner, except in administering the Oath or Affirmation herein-after mentioned, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered by Action of Debt, or on the Case, or by Bill, Plaint or Information, in any Court of Record; and every such Person so prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the Penalty, on Proof given of his having acted as a Commissioner in the Execution of this Act.

Commission-
er to take an
Oath.

IV. Provided also, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, except in administering the Oath or Affirmation herein-after mentioned, until he shall have taken and subscribed before any Two or more of the said

Commissioners, at a Meeting to be holden by virtue of this Act, (who are hereby required and authorized to administer the same to each other), an Oath or Affirmation in the Form following:

‘ I *A. B.* do swear, [*or, being One of the People called Quakers, do solemnly affirm,*] That I am duly qualified to act as a Commissioner in the Execution of an Act of Parliament, made in the Fifty-second Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of this Act,*] according to the Provisions and Directions of the said Act; and that I will truly and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities reposed in me as a Commissioner in and by the said Act. So help me GOD.’

Oath of Commissioner.

V. Provided always, and be it further enacted, That all Acts and Proceedings by any Person as such Commissioner in the Execution of this Act, previous to his being convicted of acting without being qualified as aforesaid, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been duly qualified according to the Directions of this Act.

Acts of unqualified Commissioners to be valid.

VI. And be it further enacted, That the said Commissioners, or any Five or more of them, are hereby authorized and required to meet at the Guildhall of the said Town, on the Third *Tuesday* next after the passing of this Act, between the Hours of Ten and Twelve in the Forenoon, and then and thereto proceed to put this Act into Execution; and shall afterwards meet at the same Place, between the Hours aforesaid, on the First *Tuesday* in every Month, for the Purpose of carrying this Act into Execution, without any Notice being given to the said Commissioners of such Meeting.

Meeting of Commissioners without Notice.

VII Provided always, and be it enacted, That it shall be lawful for the said Commissioners to adjourn for any longer or shorter Space of Time than the First *Tuesday* in the Month immediately subsequent to the last Meeting, or to any other Place or Places within the said Town and County than the said Guildhall; but then and in every such Case Notice of such Adjournment, under the Hand of the Clerk of the said Commissioners, shall be affixed on the principal Doors of the several Churches or Parochial Chapels in the said Town and County, on the *Saturday* preceding every such Meeting.

Commissioners may adjourn Meeting.

VIII. And be it further enacted, That if it shall at any Time or Times be thought necessary to hold a Meeting of the Commissioners on an earlier Day than the First *Tuesday* in the Month immediately subsequent to the last Meeting, or in case of Adjournment, on any earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case the Clerk to the said Commissioners (under an Order signed by Three or more of the said Commissioners for that Purpose) shall forthwith give Notice of the Meeting to be holden on such earlier Day in Manner before directed, and of the Time, Place, and Purpose of such Meeting, (such Time not being less than Two Days after such Notice); and all Proceedings of the said Commissioners at such earlier Meeting, shall be as good and valid as they would have been in case such Commissioners

Meetings on Emergencies

missioners had met on the First *Tuesday* in the Month immediately subsequent to the last Meeting, or on the Day to which such Adjournment shall have been made.

No Act valid unless at a Meeting.

IX. And be it further enacted, That no Act of the said Commissioners shall be or be deemed to be good or valid unless made and done at a Meeting to be holden as aforesaid by virtue of this Act, (except as may be herein excepted), and that all the Powers and Authorities of 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 such Meeting, the Number so present not being less than Five; and that all the Orders and Proceedings of the major Part of the said Commissioners present at such Meetings, shall have the same Force and Effect as if the same were made or done by all the Commissioners for the Time being; and that no Commissioner shall be capable of acting or voting in any Case wherein he is accused of any Offence against this Act, or where his individual Interest is concerned.

Commissioners not to vote in the Appointment or Removal of Officers, unless they have acted within Six Months.

X. Provided always, and be it further enacted, That after the first Appointment, no Commissioner shall vote for the Removal or Appointment of the Treasurer or Clerk to be appointed or employed by virtue of this Act, unless he shall have acted as a Commissioner at One public Meeting of the said Commissioners, at least within Six Calendar Months next before such Removal, or next before such Office or Offices shall have become vacant.

Commissioners being Justices may act as such.

XI. Provided also, and be it further enacted, That it shall be lawful for such of the Commissioners of this Act as shall be Justices of the Peace for the said Town and County of *Newcastle*, to act as Justices in the Execution of this Act, in the same Manner as if he or they had not been nominated or appointed a Commissioner or Commissioners by virtue hereof.

Proceedings to be entered in a Book.

XII. And be it further enacted, That the said Commissioners shall provide and keep, or cause to be provided and kept a proper Book or Books, and shall enter or cause to be entered in such Book or Books, in a fair and regular Manner, the Names of all the Commissioners who shall duly qualify in pursuance of this Act; and all their Acts, Orders, and Proceedings relative to the Execution of this Act, and the Names of all such Commissioners as shall be present at their respective Meetings, and Three or more of the said Commissioners shall always subscribe their Names at the End of the Proceedings of the said Commissioners at every such Meeting; and that all Entries, Orders, and Proceedings entered and signed in such Book or Books as aforesaid, shall be deemed good and legal Evidence in all Cases, Suits, and Actions relative to any Matter therein mentioned and expressed; and that such Book or Books shall at any of the Meetings of the said Commissioners, and at all other convenient and reasonable Times under the Direction of the Commissioners, be open to the Inspection of all and every the said Commissioners, and of all and every the Persons rated and assessed for the Purposes of this Act, and of all and every the Persons having any Charge on the Rates and Assessments thereby granted and made payable.

XIII. And

XIII. And be it further enacted, That the said Commissioners shall and may and they are hereby empowered by Writing under their respective Hands to appoint a Treasurer and Clerk, and from Time to Time to remove such Treasurer or Clerk as they shall see Occasion, and to appoint any other Person or Persons in the room of him or them who shall be so removed, or shall die, or relinquish or discontinue such Office; and out of the Money to be raised by virtue of this Act, to make such Allowances to such Treasurer and Clerk so to be appointed, and to all other Persons by them the said Commissioners to be employed in the Execution of this Act, as they the said Commissioners shall think reasonable; and the said Commissioners shall and may and they are hereby empowered to take sufficient Security from the Treasurer and any other Officer or Officers so to be appointed, or from any other Person or Persons, as his or their Surety or Sureties for the due Execution of their respective Offices.

Power to appoint a Treasurer and Clerk.

XIV. And be it further enacted, That the Treasurer for the Time being appointed by the said Commissioners, shall and may and is hereby authorized and required, out of the Monies to be received by him by virtue of this Act, to pay all such Sums of Money as the said Commissioners shall from Time to Time draw upon him for, or order him to pay; and the Treasurer shall and he is hereby required to keep regular and clear Entries in a Book or Books to be by him for that Purpose provided and kept, of all and every his Receipts and Payments under or by virtue or in pursuance of this Act; and his Accounts shall Once in every Year, at such Time or Times as the said Commissioners shall appoint, be audited, and in case the same appear to be just and true, shall be allowed by the said Commissioners, and be so certified under their Hands, and after the Accounts shall have been so audited, allowed, and certified, such Allowance and Certificate shall be valid, and a full Discharge to the Treasurer for all Monies therein stated to have been by him received, paid, and applied for the Purposes of this Act.

Treasurer to pay Money, and keep an Account of his Payments, &c.

XV. And be it further enacted, That if any Person or Persons employed by the said Commissioners as a Clerk, Treasurer, Assessor, Collector, or Surveyor, or in any other Office or Capacity for carrying this Act or any of the Powers thereof into Execution, shall, over and above such Salary, Allowance, and Reward as shall be appointed, allowed, and approved of by the said Commissioners, and over and above such Fees and Charges as may accrue or belong to the Clerk of the said Commissioners acting in the Capacity of a Solicitor, Attorney, or Conveyancer for the Purposes of this Act, exact, take or accept any Fee or Reward whatsoever for or on Account of any Thing done or to be done by virtue of this Act, or on any Account whatsoever relative to the Execution thereof, or shall be in any Manner concerned or interested in any Bargain or Contract made or to be made by the said Commissioners for the Purpose of carrying this Act into Execution; every such Person so offending shall be incapable of ever serving or being employed under this Act, and shall also forfeit the Sum of One hundred Pounds, with Costs of Suit, to any Person or Persons who shall sue for the same, by Action of Debt, Bill, Plaint or Information, in any Court of Record, in which Suit no Essoign, Protection, or Wager at Law, or more than One Impar lance, shall be allowed.

Officers not to take any Fees, nor be concerned in any Contracts

Commissioners may sue and be sued in the Name of their Clerk.

XVI. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk for the Time being, and that all Actions or Suits that it may be necessary or expedient to be brought for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act, or for or in respect of any other Matter or Thing relating to this Act, may be brought in the Name of such Clerk; and that no Action or Suit which may be brought, commenced, or prosecuted by or against the said Commissioners, or any of them, by virtue or on account of this Act, in the Name of such their Clerk, shall abate or be discontinued by the Death, Suspension, or Removal of such their Clerk, or by any Act or Default of such Clerk, done or suffered without the Consent or Direction of the said Commissioners, but the Clerk of the said Commissioners for the Time being shall always be deemed Plaintiff or Defendant in every such Action or Suit (as the Case may be), except in such Actions or Suits as shall be prosecuted between the said Commissioners and their Clerk for the Time being; in which last-mentioned Actions or Suits, any One of the said Commissioners shall or may be Plaintiff or Defendant, as the Case may be: Provided always, that every such Clerk or Commissioner in whose Name any Actions or Suits shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expences as such Clerk or Commissioner shall be put to or become chargeable with, by reason of his being so made Plaintiff or Defendant therein; but no such Clerk or Commissioners shall be personally answerable or liable for the Payment of the same, or any Part of the same, unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default, or shall have been brought or commenced without the Order or Direction of the said Commissioners, as the Case may be.

Indemnity of Clerk.

Lamps to be set up.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered from Time to Time, and at any Time or Times after the passing of this Act, to purchase and provide such and so many Glass Lamps of such Sorts and Sizes, and such and so many Lamp Irons and Lamp Posts, and other Materials and Things for lighting such Lamps as they shall judge necessary, and to direct the same to be affixed or set up on or against the Walls, Rails, or Palisadoes of the Houses, Tenements, or Buildings, or on or against any other Walls or Places without the Walls, but within the Liberties of the said Town, or in any other Manner they shall think proper and convenient, and to be taken down, altered, or renewed when and as often as they shall think fit; and to cause such Lamps or any of them to be lighted at such Season of the Year, on such Evenings, and at such Hours of the Evening, and to be kept burning for so many Hours as to them the said Commissioners shall seem necessary or proper for lighting all or any of the Streets, Roads, Lanes, public Passages or Places without the Walls, but within the Liberties of the said Town; provided that no such Lamps shall be placed on the North Turnpike Road beyond or farther North than the Field called the *Deadman's Close*, or on the *Ponteland* Turnpike Road, beyond or further West than *Gallowgate Water Pant*.

XVIII. And

XVIII. And be it further enacted, That if any Person or Persons shall wilfully break, take away, throw down, or otherwise destroy or damage any Lamp or Lamps which shall be erected by or by Order of the said Commissioners, or by any Person or Persons, at his, her, or their own Expence, for the Purpose of lighting any of the said Streets, Roads, Lanes, public Passages or Places, or any Post, Iron, Cover, or other Furniture thereof, or shall wilfully extinguish the Light or Lights of any such Lamp or Lamps, it shall be lawful to and for any Justice of the Peace for the said Town and County of *Newcastle-upon-Tyne*, and he is hereby required, upon Complaint to him made of any such Offence, to issue a Warrant for apprehending the Party or Parties accused; or it shall and may be lawful to and for any Person or Persons who shall see such Offence committed, to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said Town and County, and such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their Confession, or on Evidence on Oath as aforesaid, then and in every such Case, he, she, or they shall, for every such Offence respectively, and if more than One, shall severally forfeit and pay any Sum not exceeding Ten Pounds, and shall besides make full Satisfaction (to be ascertained by such Justice) to the said Commissioners, or other Party injured, for the Damage so done; and in case such Offender or Offenders shall not, upon Conviction, forthwith pay such Penalty by him, her, or them incurred, and also make such Satisfaction as aforesaid, such Justice is hereby required to commit such Offender or Offenders to the House of Correction of the said Town and County, there to be kept to hard Labour for any Time not exceeding Six Calendar Months; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be so committed, unless such Penalty and Satisfaction as aforesaid shall be sooner paid and given.

Penalty for
wilfully
breaking
Lamps.

XIX. And be it further enacted, That if any Person or Persons shall carelessly or negligently break, destroy, or damage any Lamp or Lamps which shall be set up by Order of the said Commissioners, or by any Person or Persons at his, her, or their private Expence, or any Post, Iron, Cover, or Furniture thereof respectively, and shall not upon Demand, make Satisfaction for the Damage so done, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the said Town and County, and he is hereby required, upon Complaint thereof made, by Warrant under his Hand, to summon before him the Party or Parties complained of; and upon his, her, or their appearing or making Default to appear, (Oath having been made that the Party complained against had been served with such Summons, or that the same had been left at his, her, or their usual Dwelling, or Place of Abode (if known), or that he, she, or they could not be found), such Justice shall proceed to examine the Cause of such Complaint; and upon Proof thereof, either by Confession of the Party, or on the Oath of One or more Witness or Witnesses, shall award and order such Satisfaction to be made by the Party or Parties

For negli-
gently break-
ing Lamps.

Parties complained against, for the Damage so done to the said Commissioners, or other Owner or Owners of such Lamp or Lamps, as to such Justice shall appear just and reasonable; and in case the Sum so awarded shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby required to cause the same to be levied and recovered, as any Fine or Penalty can or may be levied and recovered by virtue of this Act.

Property in the Lamps, &c. to be deemed to be in the Mayor for the Time being.

XX. And be it further enacted by the Authority aforesaid, That the Property of the said Lamps, and of the Posts, Iron, and other Furniture thereof, shall be deemed to be legally vested in the Mayor of the said Town of *Newcastle-upon-Tyne*, for the Time being, and he is hereby authorized and empowered to prefer and prosecute Indictments against any Person or Persons for stealing the same, or any of them, and in all which Indictments the Property of such Lamps, Posts, Iron, and other Furniture, shall be laid to be in the said Mayor for the Time being.

Commissioners to appoint Watchmen.

XXI. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby empowered from Time to Time to appoint such a Number of able-bodied Men, under the Age of Fifty-six Years, as they shall judge proper to be employed as Watchmen without the Walls, but within the Liberties, of the said Town during the Night-time, under such Regulations, and subject to such Orders as the said Commissioners shall make and give from Time to Time in that Behalf; and to provide proper Watch Houses, Watch Boxes, or Places, for the Reception of such Watchmen, and for the safe Custody of such Persons as may be apprehended by such Watchmen while on Duty; and to pay such Watchmen reasonable Wages or Allowances, and also to appoint One or more fit Person or Persons in the Stead of any Watchman or Watchmen who shall die, or who shall be discharged from his or their Office for Neglect of Duty, or other Misbehaviour in Office; and also to impose from Time to Time any Fine not exceeding Twenty Shillings on any Watchman for every such Neglect or Misbehaviour; and from Time to Time to make such Orders and Regulations as they the said Commissioners shall judge expedient for the better Government of the Watchmen to be so appointed, and to repeal such Orders and Regulations or any of them, and to substitute others; and it shall and may be lawful to and for such Watchmen, and they are hereby required in their respective Stations, to apprehend and secure in some proper Place or Places of Security for that Purpose appointed within the said Town and County, all Malefactors, Rogues, Vagabonds, and Disturbers of the Public Peace, and all suspected Persons who shall be found wandering or misbehaving themselves during the Hours of keeping Watch, and to conduct all such Persons as soon as conveniently may be, before some Justice of the Peace for the said Town and County, to be examined and dealt with according to Law.

Inspector of Watchmen.

XXII. And be it further enacted, That the said Commissioners shall and they are hereby required to appoint One of the said Watchmen an Inspector, and One or more of the said Watchmen an Assistant Inspector or Assistant Inspectors of all the other Watchmen, which Inspector and Assistant Inspector or Inspectors shall respectively Once or oftener, at convenient Times of every Night on which such Watchmen shall be on Duty,

visit the several Watch Houses, Stands and Stations of such Watchmen, in order to ascertain whether such Watchmen do severally perform their Duty in their respective Places or Stations; and in case any such Watchman shall misbehave or neglect his Duty, each such Inspector or Assistant Inspector shall have Power and is hereby authorized to suspend each such Watchman so offending, and to appoint another Watchman in his Stead until the next Meeting of the said Commissioners, who shall at such their Meeting make such Order relative to such Suspension and Appointment as they shall see fit.

XXIII. And be it further enacted, That if the said Inspector or Assistant Inspectors of the said Watchmen shall wilfully refuse or neglect to discharge their Duty, or to keep Watch and Ward at the respective Hours and Times appointed, or misbehave themselves in the Discharge of their Duty, then and in every such Case such Inspector or Assistant Inspector so offending shall respectively forfeit any Sum not exceeding Forty Shillings for every such Offence.

XXIV. And be it further enacted, That if any Victualler or Keeper of any Public House shall knowingly harbour or entertain, or suffer to remain in his or her Public House, any such Watchmen as aforesaid, during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper shall, on Conviction, forfeit and pay any Sum not exceeding Twenty Shillings.

Penalty on
Victuallers
harbouring
Watchmen
while on
Duty.

XXV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to give such Rewards in Money to the Watchmen respectively to be appointed as aforesaid, who may be disabled or wounded in the Execution of their Office, as they the said Commissioners shall think reasonable, such Money to be paid out of the Monies to be raised for the Purposes of this Act.

Power to re-
ward disabled
Watchmen.

XXVI. And be it further enacted, That no Person who shall be appointed or employed as a Watchman or Inspector, or Assistant Inspector of the Watchmen, by virtue or in pursuance of this Act, shall by Means or on account of his being so appointed or employed, gain or be entitled to any Settlement in the said Town and County of *Newcastle-upon-Tyne*, or in any Parish, Parochial Chapelry, or Township within the same; nor shall any Person gain or be entitled to any such Settlement by Means or on account of his or her being assessed, or paying any of the Rates raised and levied under the Authority of this Act.

Directions as
to Settlements.

XXVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to enter into any Contract or Contracts for lighting and watching the several Streets, Lanes, Roads, public Passages or Places without the Walls, but within the Liberties of the said Town, or any of them, or for furnishing Materials, or any other Matters or necessary Things whatsoever, or for any other the Purposes of this Act; and the said Commissioners shall and they are hereby required to take Security from the Person or Persons who may undertake such Contract or Contracts, for the due Performance of his, her, or their Contract or Contracts.

Commission-
ers may
contract.

Rates.

XXVIII. And, for raising Money to answer and defray the Charge and Expence of carrying this Act into Execution, be it enacted, That the said Commissioners shall and they are hereby authorized and required, Once in every Year, to rate and assess the several Tenants or Occupiers of all Houses, Buildings, Mills, Yards, Orchards and Gardens, Lands, Pleasure Grounds, Paddocks, and Hereditaments situate and being without the Walls, but within the Liberties of the said Town, (except such as are appropriated to charitable Purposes), in any Sum not exceeding Nine-pence in the Pound, by the Year, of the Annual Rent or Value of such Houses, Buildings, Mills, Yards, Orchards, Gardens, Lands, Pleasure Grounds, Paddocks, and Hereditaments; and the First Year, for which such Rate or Assessment shall be made shall commence and be computed from the First Day of *May* One thousand eight hundred and twelve; and the Money so to be rated and assessed shall from Time to Time be levied and paid by equal Half-yearly or Quarterly Payments, and to such Person or Persons as the said Commissioners shall appoint; and all such Sum and Sums of Money shall be paid over by the Collectors or Persons so appointed to receive the same, to the Treasurer of the said Commissioners for the Time being, to be applied for the Purposes of this Act.

Assessors and Collectors to be appointed.

XXIX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required Yearly and every Year, and as often as there shall be Occasion, by Writing under their Hands, to nominate and appoint such Persons residing and occupying Property without the Walls, but within the Liberties of the said Town, as they shall think fit, to be Assessors and Collectors for the Purposes of this Act; and in case any Person or Persons so to be appointed Assessor or Assessors, Collector or Collectors, shall neglect or refuse to take upon himself or themselves such Office or Offices respectively, he or they shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, to be recovered before any Justice of the Peace for the said Town and County of *Newcastle-upon-Tyne*, in like Manner as other Penalties are hereby directed to be recovered: Provided always, that no Person infirm, or otherwise incapable of discharging the Office of Assessor or Collector, or above the Age of Sixty-five Years, shall be appointed to be Assessor or Collector; nor shall any Person who shall have served the Office of Assessor or Collector, or paid the Forfeiture hereby imposed for neglecting or refusing to serve such Office, be again appointed to the same Office within the Space of Five Years from the Time of his former Appointment, or paying the Forfeiture as aforesaid, unless such Person shall be willing or desirous of accepting the same Office.

Persons infirm or above the Age of Sixty-five Years, not to be appointed Assessor or Collector.

Duty of Assessors.

XXX. And be it further enacted, That the said Assessor or Assessors shall and they are hereby empowered and required to make an equal Yearly Pound Rate upon all and every Occupier or Occupiers of Houses, Buildings, Mills, Yards, Orchards and Gardens, Lands, Pleasure Grounds, Paddocks, and Hereditaments situate and being without the Walls, but within the Liberties of the said Town, according to the respective full Annual Rents or Values thereof.

Assessors, &c. may inspect Public Rates.

XXXI. And be it further enacted, That it shall and may be lawful for the Assessor and Assessors, and Collector and Collectors of the Rates or Assessments to be made by virtue of this Act, or for any other Person or Persons

Persons appointed by the said Commissioners, at all reasonable Times, to inspect the Books of Assessment of the Land Tax, Property Tax, Poor Rate, and Assessed Taxes, and also to make Copies thereof, and take Extracts therefrom, which Inspections, Copies, and Extracts, the Collectors of the Land Tax and other Taxes, or other Officer or Officers, Person or Persons having the Custody of such Books and Assessments, are hereby required to permit and suffer to be made without Fee or Reward; and in case any such Collector or Collectors of the Land Tax and other Taxes, or other Officer or Officers, Person or Persons having the Custody of any such Books or Assessments, shall neglect or refuse to do so within Five Days after the Order of the said Commissioners for that Purpose shall be produced and shewn to him or them, or left at his or their last or most usual Place of Abode, then and in every such Case he or they so refusing or neglecting shall for the First Offence forfeit any Sum not exceeding the Sum of Five Pounds, and for the Second Offence any Sum not exceeding the Sum of Ten Pounds, and for every other Offence any Sum not exceeding the Sum of Twenty Pounds.

XXXII. And be it further enacted, That if any Houses or Premises shall stand or be partly within and partly without the Walls of the said Town of *Newcastle-upon-Tyne*, such Houses and Premises shall be assessed to the Rates to be raised by virtue of this Act, for a proportionate Part only of the Rent or Value thereof; and it shall be lawful for the said Commissioners and they are hereby authorized and required to apportion and settle at how much and what Part of the Rent or Value of such Houses or Premises the same shall be assessed; and that such Houses or Premises as shall stand upon the said Walls or upon the Site thereof, shall be wholly assessed to the Rates to be raised by virtue of this Act.

Ascertaining Rates for Houses standing on the Boundary Line.

XXXIII. And be it further enacted, That the said Assessor or Assessors shall sign their Rates or Assessments, and deliver the same to the said Commissioners, at such Time as the said Commissioners appointing such Assessor or Assessors shall direct in that Behalf, and also at the Time of delivering his or their said Rates or Assessments to the said Commissioners, shall make Oath, or being a Quaker, Affirmation, (which Oath or Affirmation the said Commissioners, or any Two or more of them, are hereby authorized and required to administer), that the Rates or Assessments so delivered by him or them upon all and every the Occupier and Occupiers of any Hereditaments and Premises situate without the Walls, but within the Liberties of the said Town, is made according to the full Value or Rental of such Hereditaments and Premises, to the best of his Judgement and Belief; and the said Rate or Assessment so to be made as aforesaid shall be allowed and signed by the said Commissioners, or any Five or more of them, and no Rate or Assessment shall be valid until the same shall be so allowed and signed as aforesaid.

Assessors to deliver Assessments to Commissioners.

XXXIV. And be it further enacted, That if the Occupier or Occupiers of any Tenements or Hereditaments, upon or in respect of which any Rate or Assessment shall be charged or imposed by virtue of this Act, shall neglect or refuse to pay the Rates and Sums of Money which shall be so rated or assessed as aforesaid, for the Space of Five Days after the

Power to distrain for Recovery of Rates.

same.

same shall be due, and Demand thereof made by Notice in Writing under the Hand or Hands of the Collector or Collectors of the said Rates, to be delivered to such Occupier or Occupiers, or left at his, her, or their Dwelling House, or usual Place of Abode, in case such Occupier or Occupiers shall reside within the said Town and County of *Newcastle-upon-Tyne* aforesaid, or otherwise left upon the Premises, in respect of which such Rate or Assessment shall be made, then upon Proof thereof upon Oath before any Justice of the Peace, (which Oath such Justice is hereby required and empowered to administer), the same shall and may be levied by Distress and Sale of the Goods and Chattels of every such Occupier or Occupiers, wherever the same shall be found, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), upon Demand to the Owner of such Goods and Chattels, after deducting all reasonable Costs and Charges attending such Distress and Sale.

Commissioners may regulate Rates.

XXXV. Provided always, and be it further enacted, That if the said Assessor or Assessors shall at any Time or Times hereafter, in any Rates or Assessments by him or them to be made by virtue or in pursuance of this Act, neglect or omit to rate or assess himself or themselves, or any other Person or Persons liable to pay or to be charged to such Rates or Assessments, or shall under-rate or over-rate in such Assessments any Person or Persons so liable to such Rates or Assessments; then and in every such Case it shall be lawful for the said Commissioners to rate and assess such Person or Persons so omitted to be rated or assessed, and raise such Person or Persons so under-rated, and to reduce such Person or Persons so over-rated, according to the true Intent and Meaning of this Act.

After Rate signed, &c.

Collectors may receive, &c.

who shall pay over such Monies to the Persons appointed,

and shall deliver to such Person a Duplicate of Assessment.

XXXVI. And be it further enacted, That the said Commissioners shall from Time to Time, as soon as may be after each such Rate or Assessment shall be so made, allowed, and signed as aforesaid, transmit a Duplicate thereof under their Hands, or the Hands of any Five or more of them, to the said Collector or Collectors; and they the said Commissioners shall also issue their Order to the said Collector or Collectors, requiring him or them to collect and receive the respective Sums of Money made payable by each such Rate or Assessment, by such Instalments and in such Manner as they the said Commissioners shall think fit, and such Collector and Collectors is and are hereby authorized and required to collect and receive the same accordingly; and every such Collector or Collectors shall and is and are hereby required to pay the Money or the Monies so to be collected and received by him or them by virtue of this Act to such Person or Persons, and at such Times as the said Commissioners shall appoint to receive the same, to be applied for the Purposes of this Act; and at the Time of making every such Payment of the Money collected by him or them as aforesaid, and upon Request of the Person or Persons empowered to receive the same, to deliver to him or them a true and exact Copy or Duplicate of the Rate or Assessment whereby the same was collected, together with an Account of all and every Sum and Sums of Money rated and assessed in such Rate or Assessment, which shall remain uncollected, (if any such there be,) together with the Reasons why the same had not been collected, to the End that it may appear whether such Non payment happened through the Default of the Collector or Collectors, or otherwise; and every such Collector shall be paid or allowed out of the Rates collected the

the Sum of Four-pence in the Pound on the Sum collected by each such Collector for his Labour and Pains therein.

XXXVII. And be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any Premises rated or assessed by virtue of this Act, such Person or Persons shall be liable to pay such Rates or Assessments in Proportion to the Time that he, she, or they occupied the same respectively, in like Manner as if such Person or Persons had not removed or quitted the same; and in all such Cases where any Person or Persons who shall come into or occupy any Premises rated or assessed, or liable to be rated or assessed as aforesaid, out of or from which any other Person or Persons who shall have been rated or assessed for the same, shall be removed, or which at the Time of making any such Rate or Assessment were empty or unoccupied, the Person or Persons coming into or occupying the same, shall, for and in respect of his, her, and their future Occupation thereof, be liable to pay a proportionable Rate or Assessment, according to the Time that he, she, or they shall occupy the same, in like Manner as if he, she, or they had been originally rated or assessed for such Premises; which said respective Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners in such Manner as they shall judge reasonable.

How to be paid by Tenant quitting and entering.

XXXVIII. Provided also, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, it shall be lawful for such Person or Persons to apply for Relief to the said Commissioners, at any Meeting to be holden within Twenty-one Days next after Demand of such Rate or Assessment, but if no Meeting shall be holden within such Time, then at the next Meeting which shall be afterwards holden; and the said Commissioners are hereby authorized and empowered, if they shall think such Person or Persons aggrieved, to give such Relief in the Premises as to them may seem reasonable.

Persons aggrieved by Rate may apply to Commissioners.

XXXIX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to exempt and discharge, at their Discretion, the Occupier or Occupiers of any Tenements or Hereditaments from the paying of the Rate or Rates, Assessment or Assessments, or any Part thereof, by this Act authorized to be laid upon such Tenements or Hereditaments, in case such Occupier or Occupiers shall, in the Judgement of the said Commissioners, be deemed unable, by reason of his, her, or their Poverty, to pay the same.

Commissioners may exempt poor Persons from Payment of Rates.

XL. And be it further enacted, That such Person or Persons as is or are by this Act made liable to pay the several Rates or Assessments hereby granted, shall pay the same to such Officer or Officers as shall from Time to Time be so appointed as aforesaid to collect and receive the same, according to the true Intent and Meaning of this Act; and also that all such Officers so collecting and receiving the said Rates or Assessments, shall under their respective Hands (at such Time and Times and in such Manner as the said Commissioners shall direct) deliver to such Commissioners, or such other Person or Persons as they shall for that Purpose appoint, true and perfect Accounts in Writing of all the Receipts and Payments of them

Power to compel Payment of Rates, and Officers to account;

[Loc. & Per.]

19 H

the

the said Officer or Officers, and of all other Matters committed to their Charge by virtue of this Act, and particularly how much of the said Rates or Assessments have been expended, and for what Purpose, together with the proper Vouchers for such Payments; and such Officers shall pay all such Money or Balance as shall remain in their respective Hands to the said Commissioners, or to such Person or Persons as they shall for that Purpose appoint; and all the said Officers shall upon Oath, if thereunto required by the said Commissioners, (which Oath the said Commissioners are hereby empowered to administer), verify their said Accounts; and that if any such Officer shall not make and render, or shall refuse to verify upon Oath such his or their Account, or to produce or deliver to the said Commissioners, or to such Person or Persons as they shall for that Purpose appoint, within Ten Days after being thereunto required by the said Commissioners, all Books, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Money as upon the Balance of his or their said Account or Accounts, shall appear to be in his or their Hands, to the said Commissioners, or as they shall direct or appoint, then or in any of the Cases aforesaid, such Commissioners may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions in any of His Majesty's Courts of Record at *Westminster*, or in any Court of Record held within the said Town and County of *Newcastle-upon-Tyne*, against the Officer or Officers so neglecting or refusing as aforesaid, or against his or their Surety or Sureties, in order to recover the Money or Balance which shall be in the Hand or Hands of such Officer or Officers respectively; or that if Complaint shall be made by the said Commissioners, or by such Person or Persons as they appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the said Town and County of *Newcastle-upon-Tyne*, such Justices may and they are hereby authorized and required, by a Warrant or Warrants under their respective Hands and Seals, to cause such Officer or Officers so refusing or neglecting as aforesaid, to be brought before them, and upon his or their appearing or not appearing, being first duly summoned for that Purpose, to hear and determine the Matter in a summary Way; and that if upon the Confession of the Party or Parties, or by the Testimony on Oath of any One or more credible Witness or Witnesses, (which Oath such Justices are hereby empowered to administer), it shall appear to such Justices that any of the Money collected and raised by virtue of this Act shall be in the Hand or Hands of such Officer or Officers, such Justices may and they are hereby authorized and required upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers; and if no Goods and Chattels of such Officer or Officers can be found, sufficient to answer and satisfy the said Money, and the Charges of distraining for the same, then and in any of the Cases aforesaid, such Justices shall and may and they are hereby empowered to commit every such Officer or Officers to the Common Gaol or House of Correction for the said Town and County of *Newcastle-upon-Tyne*, there to remain without Bail or Mainprize, until he or they shall give or make up a true and perfect Account and Payment as aforesaid, or until he or they shall compound with the said Commissioners, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Commissioners are hereby empowered to make, and until he or they

or Applications may be made to Two Justices, who may hear, &c.

who upon Non-payment may distrain; and in Default of Distress, may commit to Prison.

they shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners: Provided always, that no such Officer or Officers shall remain or be kept in Prison by virtue of this Act, for want of sufficient Distress, for any longer Time than the Space of Six Calendar Months.

XLI. And be it further enacted, That all the Money to arise by the said Rates, Assessments, and other Monies hereby granted, or to be levied or received by virtue of this Act, shall be paid to the Treasurer to the said Commissioners, or to such other Person or Persons as they shall appoint, and shall be applied and disposed of from Time to Time in defraying the Charges and Expences of watching and lighting the Streets, Roads, Lanes, public Passages and Places without the Walls, but within the Liberties of the said Town, and in paying and defraying all Expences which the said Commissioners and Officers shall necessarily sustain or be put unto in carrying this Act into Execution, or in prosecuting or defending any Prosecutions, Actions, or Suits, in any Manner relative to the Execution of this Act, or of any Thing to be done under and by virtue thereof, and for such other Uses and Purposes as are herein expressed, and for no other Use, Intent, or Purpose whatsoever.

XLII. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, (for the Recovery whereof no other Method hath been directed by this Act), shall upon Conviction of the Offenders respectively before any One Justice of the Peace for the said Town and County, on the Confession of the Party or Parties offending, or on the Oath of one or more credible Witness or Witnesses, be levied by Distress and Sale of the Offenders Goods and Chattels, by Warrant under the Hand and Seal of any such Justice of the Peace, (which Warrant such Justice is hereby authorized and required to issue, and which Oath he is hereby authorized to administer), and the Overplus of the Money (if any) arising by such Distress and Sale, shall be returned on Demand to the Owners of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale; and all such Penalties and Forfeitures when recovered, shall, if not herein directed to be otherwise applied, be paid to the Treasurer of the said Commissioners, and be applied by him for such of the Purposes of this Act as the said Commissioners shall think fit; and in case sufficient Goods and Chattels cannot be found, and such Penalties and Forfeitures shall not be forthwith paid, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction of and for the same Town and County, for any Time not exceeding Six Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, shall be sooner paid or satisfied.

XLIII. And be it further enacted, That in all Cases where any Person or Persons shall be convicted of any Offence against this Act, the Conviction shall be in the Words or to the Effect following;

Newcastle-upon-Tyne } BE it remembered, That on the Day of
to wit. }
in the Year of our Lord
A. B. is duly convicted before of His Majesty's
Justices of the Peace for the Town and County of *Newcastle-upon-Tyne*,
6 of

of having [*here state the Offence against the Act, as the Case may be*]
 contrary to the Form of the Statute in that Case made and provided, and
 I, [*or, We, as the Case may be*] do declare and adjudge that the said
A. B. has forfeited for his [*or, her, as the Case may be*] said Offence,
 the Sum of _____ Given under my Hand [*or, our*
 Hands, *as the Case may be*] the Day and Year above written.”

Power to mi-
 tigate Penal-
 ties.

XLIV. Provided always, and be it further enacted, That it shall and may be lawful to and for any Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence or Offences for which any pecuniary Penalty is imposed by this Act, where he or they shall see Cause, to mitigate or lessen any of the Forfeitures incurred or Penalties inflicted as aforesaid, as he or they shall in their Discretion think fit; and every such Mitigation shall be a sufficient Discharge to the Person or Persons so offending respectively, for so much of the said Penalties or Forfeitures as shall be so lessened, mitigated, or remitted.

Inhabitants
 allowed to
 give Evi-
 dence.

XLV. And be it further enacted, That no Inhabitant of the said Town and County of *Newcastle-upon-Tyne* shall be deemed incompetent to give Evidence before any Justice or Justices of the Peace, or upon any Trial, Hearing, Examination, or otherwise, in, about, touching or concerning this Act, or any Matter or Thing herein contained, on account of his, her, or their being assessed to, or paying the Rates to be raised or levied in pursuance of this Act; any Law, Statute, or Usage to the contrary notwithstanding.

Proceedings
 not to be
 quashed or
 removed by
 Certiorari.

XLVI. And be it further enacted, That no Order, Verdict, Judgment, Conviction, or other Proceedings touching or concerning any of the Matters aforesaid, or touching or concerning any Offence 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 thereof in anywise notwithstanding.

To prevent
 vexatious
 Suits.

XLVII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money justly due for any of the Purposes of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or want of Form in the Appointment of the Collector or other Officer, or in the Rate or Assessment, or in any Warrant of Distress thereupon; 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 Party or Parties aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damages he, she, or they shall have sustained thereby, and no more, in any Action of Trespass, or on the Case, at the Election of the Plaintiff or Plaintiffs: Provided always, that no Plaintiff or Plaintiffs shall recover in any such Action or Actions for any Irregularity as aforesaid, if Tender of Amends hath been made by the Party or Parties making the Distress, before such Action or Actions was or were brought, nor if Tender of Amends shall be made at any Time after the said Action or Actions shall have been brought, and before the Trial thereof, together with the Costs of Suit to the Time of such last-mentioned Tender.

XLVIII And

XLVIII. And be it further enacted, That no Action shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Thirty Days Notice thereof shall be given in Writing to the Clerk to the said Commissioners, or after sufficient Satisfaction or Tender of Amends hath been made to the Party or Parties aggrieved, or after Three 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 Town and County of *Newcastle-upon-Tyne*, and not in any other County or Place; and the Defendant or Defendants, and every of them in such Actions and Suits, may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial or Trials which shall be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits shall be so brought, was done in pursuance and by the Authority of this Act; and if such Matter and Thing shall appear to have been so done, or if it shall appear that such Action and Suit was brought before Thirty Days Notice thereof given as aforesaid, or that sufficient Satisfaction or Tender of Amends was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the 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, Judgment shall be given for the Defendant or Defendants therein, then and in any of the said 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 by Law.

Limitation of Actions.

XLIX. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Rates, Assessment or Assessments, made by virtue of this Act, or by any Rule, Order or Regulation, Judgment or Determination of the said Commissioners, or by any other Matter or Thing done, or directed to be done, or committed by or by the Order of the said Commissioners, such Person or Persons may appeal to the said Commissioners, at any Meeting to be holden within Three Calendar Months; or if no such Meeting shall be held within that Time, then at the Meeting next after the Cause of Complaint shall have arisen, or any Matter or Thing done or committed by or by the Order of the said Commissioners; and such Commissioners are hereby authorized and empowered, if they shall think such Person or Persons aggrieved, to give such Relief in the Premises as to them shall seem necessary; and if any such Person or Persons shall not be satisfied with the Determination of the said Commissioners, or if any Person or Persons shall think himself, herself, or themselves aggrieved by Reason of any Judgment, Order, or Determination of any Justice or Justices of the Peace acting in the Execution of this Act, then and in every such Case, he, she, or they may appeal to the General or Quarter Sessions of the Peace to be holden for the said Town and County of *Newcastle-upon-Tyne*, within Three Calendar Months next after such Determination of the said Commissioners, or after the Cause of Complaint shall have arisen, such Appellant or Appellants first giving or causing to be

Appeal.

given Ten Days Notice at the least in Writing, of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Commissioners, or to such Justice or Justices, and within Two Days next after such Notice, entering into a Recognizance in the Sum of Twenty Pounds, before some Justice of the Peace for the said Town and County, conditioned for prosecuting such Appeal, and to abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions; and the said Justices at such General or Quarter Sessions, upon due Proof of such Notice given as aforesaid, and of entering into such Recognizance, shall hear and determine the Causes and Matters of such Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the said Justices may, if they see Cause, mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned which shall be levied in pursuance of such Order, Regulation, Judgment or Determination; and may also order and award such further Satisfaction to be made to the Party injured as they shall think reasonable; and the Determination of such Justices at their General or Quarter Sessions shall be final and conclusive.

3 G. 3. in
Part repealed.

L. And whereas by the said recited Act passed in the Third Year of the Reign of His present Majesty, it is enacted, that if at any Time or Times thereafter, the major Part in Value of the Occupiers of Houses, Shops, Wharfs, Warehouses, Lofts, Cellars, Maltings, Brewhouses, or other Tenements, situate in certain Streets therein enumerated without the Walls, but within the Liberties of the said Town of *Newcastle-upon-Tyne*, should by Writing under their Hands apply to the Commissioners authorized by the said Act, and request that such Streets might be lighted and watched pursuant to the Intent and Meaning of such Act, then and in every such Case the said recited Act, and the Clauses and Provisions therein contained, should be construed, deemed, and taken to extend to such Street and Streets respectively, as fully as if such Streets had been at the Time of passing the said recited Act situate within the Walls of the said Town of *Newcastle-upon-Tyne*: And whereas from and after the passing of this Act, it will become unnecessary and inexpedient that the Provisions of the said recited Act should at any Time hereafter be extended to such last-mentioned Streets; be it therefore enacted by the Authority aforesaid, That from and after the passing of this Act so much of the said recited Act, and of the Provisions and Clauses therein contained, as relates to the extending the said recited Act to the said Streets therein enumerated, and lying without the Walls of the said Town of *Newcastle-upon-Tyne*, shall be and the same is hereby repealed and made void to all Intents and Purposes whatsoever.

Public Act.

LI. 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.

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