



ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.



Cap. lxxi.

An Act for paving, lighting, watching, cleansing, regulating, and improving the Borough of *Newcastle-under-Lyme*. [14th June 1819.]

WHEREAS the Borough of *Newcastle-under-Lyme*, in the County of *Stafford*, is very populous, and a Place of considerable Trade, and also a great Thoroughfare for Travellers: And whereas the Streets, Lanes, and other public Places within the said Borough are not properly paved and cleansed, and are not lighted or watched; and the same Streets, Lanes, and Places are subject to various Encroachments, Obstructions, Nuisances, and Annoyances; and some of them are very narrow and incommodious; and several of the Highways within the said Borough are much out of Repair: And whereas it would tend greatly to the Safety, Convenience, and Advantage, not only of the Inhabitants of the said Borough, but of all other Persons resorting to and travelling through the same, if the said Streets, Lanes, and other public Places were more effectually paved, cleansed, and regulated; and if the same were properly lighted and watched, and several of them widened and improved; and if all Encroachments, Obstructions, Nuisances, and Annoyances therein were removed; and if Regulations and Provisions were made respecting the Highways within the said Borough, and for executing the several public Improvements herein-after mentioned within the same: And whereas the Mayor, Bailiffs and Burgesses of the said Borough are the Lords of the Soil in the principal Streets, Lanes, Highways, and other public Places within the said Borough: May it therefore

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please

Commissioners.

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, Justices of the Peace, Bailiffs, Capital Burgeses, and Town Clerk of the Borough of *Newcastle-under-Lyme* aforesaid, and their respective Successors, the Mayor, Recorder, Justices of the Peace, Bailiffs, Capital Burgeses, and Town Clerk of the said Borough for the Time being, shall be and they are hereby appointed the Commissioners for the Time being, for putting all the Powers and Authorities of this Act into Execution.

Persons disqualified to act as Commissioners.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, during such Time as he shall hold any Office or Place of Profit under the said Commissioners, or whilst he shall be concerned or interested, directly or indirectly, in any Bargain or Contract relating to the Execution of any of the Powers hereby given to the said Commissioners; and every Person who shall act as a Commissioner, being so hereby disqualified, shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person who shall sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance shall be allowed: Provided nevertheless, that such Disqualification shall not extend to prevent any Person from acting as a Commissioner in the Execution of this Act, by reason of his having any Share or Interest in any Gas Light Company already established or hereafter to be established within the said Borough by any Act of Parliament; save only so far as relates to the making, enforcing, compounding, or annulling of any Bargain or Contract between the said Commissioners and such Gas Light Company.

Quorum of Commissioners.

III. And be it further enacted, 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 such Number of the said Commissioners as shall attend at any Meeting to be holden by virtue of this Act, the Number of Commissioners present at such Meeting not being less than Five; and that all the Acts, Orders and Proceedings of the major Part of any such Five or more of the said Commissioners present at any such Meeting, shall have the same Force and Effect as if the same were had, made, or done by all the Commissioners for the Time being; and that at every such Meeting, at which the Mayor of the said Borough for the Time being shall attend at the Hour appointed for holding the same, the said Mayor for the Time being (if duly qualified to act as a Commissioner) shall preside and be the Chairman; but in case the Mayor of the said Borough shall not attend such Meeting at the Time appointed, or shall be disqualified from acting, some other Commissioner shall be elected Chairman by the Voices of a Majority of the Commissioners then present, and shall preside at such Meeting; and as often as there shall happen to be an Equality of Votes upon any Question, including the Vote of the Chairman, in every such Case it shall be lawful for the Chairman to give the decisive or casting Vote; and that no Act, Order, or Proceeding of the said Commissioners, or any of them, shall be valid, unless had, made, or done at some Meeting to be holden in pursuance

Chairman.

Casting Vote.

No Act valid except at Meetings.

of this Act, except only in regard to the calling or convening of Meetings; and that at all Meetings of the said Commissioners, to be holden in pursuance of this Act, the Commissioners present shall defray their own Expences.

Commissioners to defray their own Expences.

IV. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners at any Meeting to be holden in pursuance of this Act, to revoke or alter any Acts, Orders, or Proceedings had, made, or done at any previous Meeting; but that no such Revocation or Alteration shall take place, unless the Commissioners concurring therein shall exceed in Number the Commissioners by whom the original Act, Order, or Proceeding was had, made, or done, except in Cases where all the Commissioners for the Time being shall concur in revoking or altering the same.

Orders of Commissioners may be revoked.

V. And be it further enacted, That the said Commissioners shall hold their First Meeting for the Execution of this Act, in the Guildhall of the said Borough, on the Third *Saturday* next after the passing of this Act, between the Hours of Eleven in the Forenoon and One in the Afternoon; or in the Event of such Meeting not being held at the Day and Time aforesaid, then at such other Day and Time as the said Commissioners, or any Five or more of them, shall afterwards appoint by Notice in Writing affixed on the outer Door of the said Guildhall Seven Days at least before the Day of Meeting; and that it shall be lawful for the Commissioners present at such First Meeting, or any subsequent Meeting for the Execution of this Act, from Time to Time to adjourn and appoint their next Meeting to be holden at any future Day and Time, and at the same or any other Place within the said Borough; and if at the Time and Place appointed for any Meeting, there shall not appear a sufficient Number of Commissioners to act, or in case the Commissioners at any Meeting assembled shall omit to make an Adjournment, then and in every such Case the Clerk of the said Commissioners to be appointed as herein-after mentioned, shall adjourn the Meeting to the same Place at which such Meeting was intended to have been held, and to some future Day, not exceeding Twenty-one Days then next ensuing, and of which Adjournment such Clerk shall from Time to Time give at least Seven Days Notice in Writing, to be affixed on the outer Door of the Guildhall aforesaid.

Meetings and Adjournments.

VI. Provided always, and be it further enacted, That notwithstanding any Adjournment or Non-adjournment of any previous Meeting of the said Commissioners, it shall be lawful for the Mayor of the said Borough for the Time being, or for any other Five of the said Commissioners, from Time to Time and at any Time, by Notice in Writing under his or their Hand or Hands, to be affixed on the outer Door of the Guildhall aforesaid, to convene and appoint a Meeting of the said Commissioners for proceeding in the Execution of this Act, to be held at any Time and in any convenient Place within the said Borough, to be specified in such Notice, such Time not being less than Seven Days after the affixing of such Notice.

Special Meetings.

VII. And be it further enacted, That the said Commissioners shall cause proper Books to be provided and kept, and regular Entries to be made therein, of all their Acts, Orders, and Proceedings relative to the Execution

Proceedings to be entered.

Books may
be inspected,
and Copies
taken.

Execution of this Act; and of the Names of all such Commissioners as shall be present at their several Meetings; and the Commissioners present at each Meeting shall subscribe their Names to the Entry of the Proceedings of such Meeting, and all Entries in such Books so signed shall be deemed to be original Proceedings, and shall be admitted to be read as Evidence in all Courts whatsoever, and in all Causes, Suits, Actions, Informations, Appeals, and other Proceedings touching any thing done in pursuance of this Act; and such Books shall be kept by the Clerk of the said Commissioners, and shall at all Meetings be open to the Inspection of the said Commissioners; and any of the said Commissioners, or any other Person or Persons charged to the Rates herein-after granted and made payable, and all Creditors on the said Rates, or any of them, shall at all seasonable Times be permitted to have Copies of any of the Entries in such Books, paying for such Copies after the Rate of Sixpence for every Seventy-two Words.

Appointment
of Officers.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to nominate and appoint a Clerk, a Treasurer, a Surveyor of Works, a Collector or Collectors of the Rates herein-after mentioned, and such other Officers as the said Commissioners shall think necessary for the Execution of this Act; and the said Commissioners are hereby required to take Security from such of the said Officers as shall be entrusted with the Receipt and Disbursement of Money, for the due Execution of their respective Offices; and it shall be lawful for the said Commissioners from Time to Time to remove any of such Officers, and to appoint another or others in the Room of any of them who shall be so removed, or who shall die, or decline such Offices, or become incapable of acting therein; and also out of the Monies to be raised as herein-after mentioned, to make and pay such Salaries or other Allowances to the said Officers respectively, and also to such other Person or Persons as shall be aiding and assisting to the said Commissioners in the Execution of this Act, as to the said Commissioners shall seem reasonable.

Offices of
Clerk and
Treasurer not
to be held by
One Person.

IX. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as their Clerk, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk of the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection or Wager of Law, nor more than One Impar lance shall be allowed.

Officers to
account with
Commis-
sioners.

X. And be it further enacted, That all such Persons as shall have been so appointed to any of the Offices aforesaid, shall, at such Time and Times, and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Persons as they shall appoint, just
Accounts

Accounts in Writing of all Matters committed to their Charge by virtue of this Act, and also of all Monies received by such Persons respectively, by virtue or for the Purposes of this Act, shewing how much thereof hath been disbursed by Order of the said Commissioners, and for what Purposes, together with proper Vouchers for such Payments; and shall also deliver up all Books, Papers and Writings relating to the Execution of this Act which shall be in their Custody or Power, and likewise pay all such Monies as shall remain in their respective Hands, to the said Commissioners, or to such Persons and at such Times as the said Commissioners shall appoint; and if any such Person who shall have been appointed to any such Office as aforesaid, shall not render such Account, or produce and deliver the Vouchers relating to the same, or shall not, within Seven Days after being thereunto required by Notice from the said Commissioners deliver to them, or such Person as they shall appoint, all Books, Papers and Writings in his Custody or Power relating to the Execution of this Act, or shall refuse or neglect to pay over such Monies as upon the Balance of any such Account as aforesaid shall appear to be in his Hands unto the said Commissioners, or otherwise as they shall appoint, then and in any of the Cases aforesaid, the said Commissioners are hereby empowered to cause any Action or Actions to be brought against such Defaulter so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall be in his Hands, together with Costs of Suit; or in case Complaint shall be made by the said Commissioners, or by any Person acting under their Authority, of any such Neglect or Refusal, unto any One Justice of the Peace for the County or Place where such Defaulter shall be or reside, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Defaulter to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, it shall appear to such Justice that any Monies collected and raised by virtue of this Act shall remain in the Hands of or due from such Defaulter, such Justice is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Monies, together with all reasonable Charges, to be levied by Distress and Sale of the Goods and Chattels of such Defaulter; and if no Goods or Chattels of such Defaulter can be found sufficient to answer and satisfy the said Monies and the Charges aforesaid, or if it shall appear in the Manner aforesaid, to such Justice, that such Defaulter shall have neglected or refused to render and give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers or Writings relating to the Execution of this Act shall be in his Custody or Power, and he shall have neglected or refused to deliver the same as aforesaid, then and in any of the Cases aforesaid, such Justice shall commit such Defaulter to the Common Gaol or Prison of the County or Place where such Offender shall be or reside, there to remain without Bail or Mainprize, until he shall give and make a just Account and Payment as aforesaid, or until he shall compound with the said Commissioners, and shall have paid the Composition agreed upon, in such Manner as the said Commissioners shall appoint (which Composition the said Commissioners, or any Five or more of them, are hereby empowered to make and receive), or until he shall deliver up such Books, Papers and Writings as aforesaid to the said Commissioners: Provided

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always, that no Person so committed shall be detained in Prison for want of sufficient Distress only for a longer Space of Time than Six Calendar Months.

Executors of Officers dying to account.

XI. And be it further enacted, That in case of the Death of any of the said Officers before he shall have paid and fully satisfied all the Monies which he shall have received by virtue of this Act, or made such Composition for the same as aforesaid, then and in every such Case the Executors or Administrators of such Officer so dying shall pay and satisfy the same out of the Estate and Effects of such Officer unto the said Commissioners; or any Person appointed by them in that Behalf, and also shall deliver up all Books, Papers, Writings and other Things concerning his Office, or relating to the Execution of this Act, which shall have come to the Hands of such Executors or Administrators, who shall or may plead such Payment in any Action or Suit that may be brought against them on account of the said Estate and Effects, and give the same in Evidence; and in case of the Nonpayment of such Monies, or the Non-delivery of such Books, Papers, Writings and Things, for the Space of Ten Days after Demand made thereof in Writing, by or on the Behalf of the said Commissioners, it shall be lawful for the said Commissioners to commence and prosecute any Action or Actions in any of His Majesty's Courts of Record at *Westminster*, against such Executors or Administrators, for Recovery of the said Monies, or for the Recovery of Damages for the Detention of such Books, Papers, Writings, and Things; in which Action or Actions full Costs of Suit shall be recoverable by the said Commissioners.

Penalty on Officers taking Rewards, or making Contracts.

XII. And be it further enacted, That if any Clerk, Treasurer, Surveyor of Works, Collector, or other Officer employed by the said Commissioners for the Purposes of this Act, shall exact, demand, take or accept any Fee, Emolument, or Reward whatsoever (other than such Salary or Allowance as shall be appointed and allowed by the said Commissioners) for or on account of any thing done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Commissioners, or on any other account whatsoever relative to his Employment or Duty, or shall be concerned or interested in any Bargain or Contract made by the said Commissioners for the Purposes of this Act, every such Person so offending shall be incapable of afterwards serving or being employed under the said Commissioners, and shall forfeit and pay the Sum of Twenty Pounds for every such Offence: Provided nevertheless, that nothing herein contained shall extend to prevent such Officers, or any of them, except the Surveyor of Works, from holding Shares in, or accepting any Office under any such Gas Light Company, as is herein-before mentioned.

Mode of keeping Commissioners Accounts.

XIII. And be it further enacted, That the said Commissioners shall, and they are hereby required, from Time to Time and at all Times hereafter, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money which shall be received, paid, laid out and expended, in pursuance of the Powers and Provisions of this Act, by, for, or on account of

of the said Commissioners, and of the several Articles, Matters, and Things for which such Sums of Money shall have been paid, laid out, and expended; which Books shall at all reasonable Times be open to the Inspection of the said Commissioners, and any Creditor or Creditors on the said Rates hereby granted, and any Person or Persons who shall be rated to the same, without Fee or Reward; and the said Commissioners and Creditors, and such Persons rated as aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall at any Time refuse to permit the said Commissioners or such Creditors, or such Persons so rated as aforesaid, or any of them, to inspect the same Book or Books, or to take such Copies or Extracts as aforesaid, he shall forfeit and pay for every such Offence the Penalty or Sum of Five Pounds.

XIV. And be it further enacted, That an annual Meeting of the said Commissioners shall be held in the Month of *January* in every Year, which shall be called the Annual General Meeting of the said Commissioners, and at such Annual General Meetings the Accounts of all Monies from Time to Time received and paid, in pursuance of the Powers and Provisions of this Act, by, for, or on the Account of the said Commissioners, shall be produced, stated, examined and settled; and that an Abstract of the same Accounts shall be published yearly in some Newspaper printed or circulated within the said Borough.

Annual Meetings for settling Accounts.

Accounts to be published.

XV. And for the Purpose of widening and improving the Streets, Lanes, Roads, Passages and other public Places within the said Borough, and opening proper Communications between the same, and for supplying and procuring proper and convenient Situations for the public Office and Weighing Machine, herein-after authorized to be provided, and for effecting the other Purposes of this Act; be it further enacted, That the Commissioners acting under the Authority of this Act shall and may and they are hereby authorized and empowered from Time to Time to treat, contract and agree with any Body or Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, Tenant or Tenants for Life, or in Fee Tail, general or special, or with any Feoffees in Trust, Husbands, Guardians, Committees of Lunatics or Idiots, or other Trustees whomsoever, not only for and on behalf of themselves and their respective Heirs and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Females Covert, or other Persons under any Disability of acting for themselves, who are or shall be seized or interested in their own Rights, or with any other the Owners or Proprietors for the Time being of all or any of the Messuages, Buildings, Lands, Tenements and Hereditaments whatsoever, situated within the said Borough, which are specified in the Schedule annexed to this Act, or of any other Messuages, Buildings, Lands, Tenements or Hereditaments whatsoever, situated within the said Borough, for the absolute Purchase, not only of the said several Messuages, Buildings, Lands, Tenements and Hereditaments specified in the said Schedule, or any of them, or any Part or Parts thereof, but also of any other Messuages, Buildings, Lands, Tenements or Hereditaments whatsoever, situated within the said Borough, or any Part or Parts thereof, which the said Commissioners shall consider necessary to be purchased for effecting the Purposes of this Act; and from

Power to purchase Buildings, &c.

from Time to Time to purchase the same or any of them, or any Part or Parts thereof, at such Price or Prices as shall be considered just and reasonable by the said Commissioners.

Corporations,
&c. em-
powered to
sell.

XVI. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, general or special, and all Feoffees in Trust, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves and their respective Heirs and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons under any Disability of acting for themselves, who are or shall be seized or interested in their own Rights; and for all and every other Person and Persons whomsoever, who are or shall be seized or possessed of or interested in any Messuages, Buildings, Lands, Tenements or Hereditaments, situated within the said Borough, whether the same be specified in the said Schedule hereunto annexed or otherwise, which the said Commissioners shall consider necessary to be purchased for the Purposes of this Act, to contract and agree with the said Commissioners for the absolute Sale thereof, or of any Part or Parts thereof; and to sell and convey the same, or any Part or Parts thereof, and all the Estate, Right, Title and Interest whatsoever of, in, and to the same, unto the said Commissioners for the Purposes of this Act; and all Contracts, Bargains, Sales and Conveyances, which shall be so made by virtue and in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Assurances in the Law whatsoever, and without Enrolment, be good, valid and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Parties so conveying, but also to convey all Right, Estate, Interest, Use, Trust, Property, Claim and Demand whatsoever, of their several Cestuique Trusts, and all Persons whomsoever claiming or having title to claim, by, from, through, or under them, and of all Persons entitled in Remainder or Reversion expectant on any particular Estates; and the same shall be deemed and considered to bar all Dower of the Wife or Wives of such Party or Parties, and all Estates Tail and other Estates in Possession, Reversion, Remainder or Expectancy, and the Issue and Issues of the same Party or Parties claiming under them or any of them respectively; any Law, Statute, or Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, general or special, and all Feoffees in Trust, Husbands, Guardians, Committees and Trustees, and all other Persons whomsoever, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

XVII. And be it further enacted, That all Sales, Conveyances and Assurances to be made to the said Commissioners, of any Messuages, Buildings, Lands, Tenements or Hereditaments, by virtue of this Act, may be made in the Form or to the Effect following; (that is to say),

Form of
Conveyance.

‘ I [or, We, as the Case may be] of in considera-
‘ tion of the Sum of paid to me [or, to us, or, into the
‘ Bank of England, as the Case may be] by the Commissioners acting under
‘ the

the Authority of an Act passed in the Fifty-ninth Year of the Reign of King George the Third, intituled [*here insert the Title of this Act*] do hereby grant and convey unto the said Commissioners, all [*here describe the Premises to be conveyed*] and all my [*or, our*] Right, Title and Interest in and to the same, to hold the same for the Uses and Purposes of the said Act, unto the said Commissioners and their Successors from henceforth for ever. In witness whereof I [*or, we*] have hereunto set my Hand and Seal [*or, our Hands and Seals, or, our Common Seal, as the Case may require*] this Day of in the Year of our Lord

And that every such Sale, Conveyance and Assurance so made in Manner aforesaid, shall be valid and effectual to all Intents and Purposes, and shall be sufficient in Law to vest the Property of and in any such Messuages, Buildings, Lands, Tenements or Hereditaments, so purchased and conveyed as aforesaid, in the said Commissioners for the Time being, for the Uses and Purposes of this Act; any Law, Statute, Usage, or other Matter or Thing to the contrary thereof notwithstanding.

Conveyance to be effectual.

XVIII. And be it further enacted, That if any Body or Bodies Politic, Corporate or Collegiate, or Corporation Aggregate or Sole, or any Tenant or Tenants for Life, or in Fee Tail, general or special, or any Feoffees in Trust, Husbards, Guardians, Committees or Trustees, or any other Owners, Proprietors or Occupiers, or other Person or Persons whomsoever, either seized, possessed, or interested in his, her, or their own Rights, or acting on the Behalf of any incapacitated Party or Parties so seized, possessed, or interested, of or in any of the Messuages, Buildings, Lands, Tenements or Hereditaments, situated within the said Borough, which are particularly specified in the said Schedule annexed to this Act, shall, for the Space of Two Calendar Months next after Notice shall have been respectively given to or left at the usual or last Places of Abode of such Person or Persons, or of the Clerk or Head Officer of any such Body Politic, Corporate or Collegiate, or at the Houses of the several Tenants in Possession of the said Premises, signed by the Clerk of the said Commissioners, and signifying the Intention of the said Commissioners to contract for the Purchase of the said Premises, neglect or refuse to treat with the said Commissioners for the Sale of any such Messuages, Buildings, Lands, Tenements or Hereditaments, or any Part or Parts thereof, or shall be prevented by Absence or otherwise from treating for such Sale, or shall decline or refuse to sell, convey, and dispose of the said Premises, or any Part or Parts thereof, or their respective Estates, Rights or Interests therein, unto the said Commissioners, according to the Intent and Meaning of this Act, or shall not or cannot produce or make out a clear Title to the said Premises, or to the Estates, Rights or Interests which they respectively claim therein, to the Satisfaction of the said Commissioners, or if any Dispute or Controversy shall arise between the said Commissioners and such Party or Parties, touching any of the aforesaid Premises; then and in every such Case it shall be lawful for the said Commissioners to cause it to be inquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Stafford* (which Oaths the said Commissioners or any Five or more of them are hereby empowered to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to the Owners, Proprietors or Occupiers

Juries to assess Recompence in certain Cases.

[Local.]

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of

of the said Messuages, Buildings, Lands, Tenements or Hereditaments, or other the Person or Persons interested therein, for or by reason of the same being taken by the said Commissioners for the Purposes of this Act; and in order thereto, the said Commissioners, or any Five or more of them, are hereby empowered and required from Time to Time to summon and call before them all Persons who shall be thought necessary and proper to be examined as Witnesses concerning the Premises, and shall examine such Witnesses before the said Jury upon Oath, (which Oath the said Commissioners, or any Five or more of them, are hereby empowered to administer); and they shall order and cause the said Jury to view the Place in question, and to use all other lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have ascertained, awarded and assessed such Damages and Recompence as aforesaid, they the said Commissioners shall thereupon order and determine the Sum or Sums of Money so awarded and assessed by the said Jury, to be paid to the Owners, Proprietors or Occupiers of the said Premises, or other the Person or Persons interested therein, according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, Order and Determination, when so had and made, shall be final, binding and conclusive to all Intents and Purposes whatsoever, against all Parties and Persons as well absent as present, and whether claiming in Possession, Reversion, Remainder or otherwise; and all and every such Owners, Proprietors, Occupiers and other Persons anywise interested in the said Premises, shall be thereby and from thenceforth divested, to all Intents and Purposes, of all Right, Title, Claim, Remainder, Reversion, Interest or Property, of, in, to, or out of the same; and upon Payment of the Money so awarded or assessed to the respective Persons entitled thereto, or upon paying the same into the Bank of *England* in the Manner directed by this Act, in Cases where the Provisions of this Act require or allow the same to be so paid, it shall be lawful for the said Commissioners to cause the Premises in respect whereof such Money shall be awarded and assessed, to be taken Possession and disposed of, and such Acts to be done thereto, as if the Purchase thereof had been agreed upon and completed, and the said Premises were untenanted, and the Purchase Money had been actually received by the Person or Persons entitled thereto.

Compulsory Purchases confined to Property in Schedule.

XIX. Provided also, and be it further enacted, That the Powers and Authorities hereby given to the said Commissioners shall not extend or be construed to extend to authorize or empower the said Commissioners to take and use, for the Purposes of this Act, any Messuages, Buildings, Lands, Tenements, or Hereditaments whatsoever, without the several Consents in Writing of the respective Owners or Proprietors thereof, in that Behalf previously had and obtained, save and except only the several Dwelling Houses, Buildings, and Hereditaments, which are described and comprehended in the said Schedule annexed to this Act.

Provisions for summoning Juries.

XX. And be it further enacted, That for summoning and returning such Jury as aforesaid, the said Commissioners are hereby empowered to issue their Warrant or Warrants, signed by any Five or more of them, to the Sheriff of the said County of *Stafford*, thereby requiring such Sheriff to impanel, summon, and return an indifferent Jury of Twenty-

four Persons, to appear before the said Commissioners, or any Five or more of them, at such Time and Place within the said Borough as in such Warrant or Warrants shall be appointed; and such Sheriff, or his Deputy, is hereby required thereupon to impanel, summon, and return such Twenty-four Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Commissioners shall swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in default of the Attendance of a sufficient Number of Jurymen, the said Sheriff or his Deputy shall return other indifferent Men of the Standers-by, or who can be speedily procured to attend that Service, so that the Jury may amount to the Number of Twelve; and in case the Jury to be sworn as aforesaid, shall return to the said Commissioners that they cannot agree in their Verdict, the said Sheriff or his Deputy is hereby authorized and required, upon receiving any other Warrant or Warrants from the said Commissioners in that behalf, to impanel, summon, and return another Jury in the Manner and for the Purposes aforesaid: Provided always, that all Persons concerned shall have their lawful Challenges against any of the said Jurymen, in the same Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster*, is by Law entitled thereto; and the said Commissioners are hereby empowered to impose any reasonable Fine or Fines upon the said Sheriff or his Deputy making any Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury, and who shall not appear (without some sufficient Excuse), or after having appeared shall refuse to be sworn on the said Jury, or having been sworn, shall refuse to give, or shall not give a Verdict on the Matter in question, or who shall in any other Manner wilfully neglect his or their Duty therein; and also upon any of the Persons who being summoned or required to give Evidence before the said Jury touching the Premises, shall neglect or refuse to appear (without sufficient Excuse) after having been paid or tendered a reasonable Sum of Money for his or her Expences, or appearing shall refuse to be sworn, or to be examined or give Evidence touching the same; but no such Fine shall exceed the Sum of Fifty Pounds on any such Sheriff or Deputy, or the Sum of Five Pounds upon any other Person, for one Offence.

XXI. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered by or on the Behalf of the said Commissioners, as a Recompence or Satisfaction for any such Messuages, Buildings, Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, all the Costs and Charges to be incurred in taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Commissioners out of the Monies to be raised by virtue of this Act; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on the Behalf of the said Commissioners, as such Recompence or Satisfaction as aforesaid, all the Costs and Charges to be incurred as aforesaid, shall be borne by the Party or Parties with whom the said Commissioners shall have had any Controversy or Dispute concerning such Recompence

Costs of
Juries.

or

or Satisfaction as aforesaid; but in Cases where any Party or Parties shall have been prevented by Absence from entering into any Treaty with the said Commissioners, the Costs and Charges so incurred shall be borne by the said Commissioners in Manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of such Costs and Charges, the same shall be settled and ascertained by any Justice of the Peace, not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same; and where the Costs shall be payable by the Party or Parties having had such Controversy or Dispute with the said Commissioners as aforesaid, the Amount thereof having been first paid by the said Commissioners, may be deducted by them out of the Money awarded to be paid to such Party or Parties, as so much Money advanced for his, her, or their Use; and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Commissioners, from the Party or Parties liable to the Payment thereof, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

Property
purchased to
vest in Com-
missioners.

XXII. And be it further enacted, That from and immediately after actual Payment being made of the Monies contracted and agreed, or otherwise awarded to be paid by the said Commissioners, as the Purchase Money or Recompence for any Messuages, Buildings, Lands, Tenements, or Hereditaments which shall be purchased or taken by the said Commissioners, by virtue and in pursuance of this Act, either to the Person or Persons or Party or Parties respectively entitled to receive the same Monies, or (where the Provisions of this Act shall so require or allow) into the Bank of *England*, for the Purpose of being disposed of in the Manner herein-after directed, all and every the said Messuages, Buildings, Lands, Tenements, or Hereditaments, for and in respect of which such Monies shall have been so paid, shall absolutely vest in the said Commissioners for the Purposes of this Act, and the said Commissioners for the Time being shall be deemed in Law to be in the actual Possession thereof, to all Intents and Purposes whatsoever, freed and discharged of and from all former and other Estates, Rights, Titles, Interests, Claims, and Demands whatsoever; any Law, Statute, or Usage to the contrary in anywise notwithstanding.

Tenants to
deliver Pos-
session after
Notice.

XXIII. And be it further enacted, That all Tenants or Persons in Possession of any Messuages, Buildings, Lands, Tenements, or Hereditaments, which shall or may in pursuance of this Act be purchased by the said Commissioners, or vested in them, for any of the Purposes aforesaid, who shall have no greater Estate in the Premises than as Tenants at Will, or Lessees for a Year, or from Year to Year, or for a Term of Years at Rack Rent, shall, at the End of Six Calendar Months after Notice in Writing for that Purpose, under the Hand of the Clerk of the said Commissioners, shall have been given to them, or left at their usual or last Places of Abode, or at the Premises which shall be the Subject of such Notice, and all other Tenants or Persons in Possession of any such Messuages, Buildings, Lands, Tenements, or Hereditaments,
who

who shall have any greater Leasehold Estate or Interest in the said Premises than as aforesaid, or who, by reason of any Erections or lasting improvements made or otherwise, shall have any equitable Claim or Interest in or upon the said Premises, shall also, at the End of Six Calendar Months after the like Notice so given or left as aforesaid, and upon Payment or Tender being made to them of such Recompence or Satisfaction for their Term, Estate, or Interest in the Premises, as shall be mutually agreed upon, or as shall, in default of such Agreement, be settled, ascertained, and awarded by the Verdict or Inquisition of a Jury in the like Manner as aforesaid, (and to which all the Provisions herein-before contained as to other Inquisitions shall be held to apply), quit and relinquish the said several Premises so in their respective Possessions unto the said Commissioners, or such Person or Persons as shall be appointed by them to receive Possession of the same; and all Leases, Demises, Contracts, and Agreements whatsoever, under or by virtue whereof any such Tenants or Lessees shall hold the said Premises, shall, at and from the End and Expiration of such Six Calendar Months, be absolutely void and of none Effect as against the said Commissioners; and if any such Tenant or Lessee as aforesaid shall refuse or neglect to deliver up the Premises in his or her Possession, at the Expiration of such Six Calendar Months, it shall be lawful for any Justice of the Peace for the said Borough, or for the said County of *Stafford*, to issue his Precept or Warrant to the Constables of the said Borough for the Time being, or any of them, commanding and requiring such Constables, or any of them, to cause Possession of the said Premises to be taken, and afterwards delivered to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same, on Behalf of the said Commissioners; and the said Constables, and every of them, are thereupon hereby authorized and required to cause such Possessions to be taken and delivered accordingly.

XXIV. And be it further enacted, That if any Money shall be contracted or agreed or awarded to be paid for the Purchase of any Messuages, Buildings, Lands, Tenements, or Hereditaments, to be purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Corporate, Collegiate, or Ecclesiastical, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or Idiot, or any other Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant-General of the High Court of Chancery, to be placed to his Account there, *ex-parte* the Commissioners for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Party or Parties who would have been entitled to the Rents and Profits of the said Messuages, Buildings, Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Messuages, Buildings, Lands, Tenements, or Hereditaments, or affecting other Messuages, Buildings, Lands, Tenements, or Hereditaments standing and being settled to the same or the like Uses, Intents, or Purposes; or where such

Application
of Purchase
Money when
amounting to
200l.

Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Buildings, Lands, Tenements, or Hereditaments, which shall be conveyed and settled, to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Buildings, Lands, Tenements, or Hereditaments, which shall be purchased, taken, or used for the Purposes of this Act, stood and were settled and limited, or such of them as, at the Time of making such Conveyance and Settlement, shall be existing, undetermined, and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application made thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends of the said Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Party or Parties who would for the Time being have been entitled to the Rents and Profits of the said Messuages, Buildings, Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

When under
200l. and
amounting
to 20l.

XXV. Provided always, and be it further enacted, That if any Money so contracted or agreed or awarded to be paid for any Messuages, Buildings, Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes of this Act, which shall belong to any Body Corporate, Collegiate, or Ecclesiastical, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or Idiot, or any other Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Party or Parties who would have been entitled to the Rents and Profits of the Messuages, Buildings, Lands, Tenements, or Hereditaments, so purchased, taken, or used for the Purposes of this Act, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy, Lunacy, or Idiocy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be named by the Party or Parties making such Option, and approved by Five or more of the Commissioners for executing this Act, (such Nomination and Approbation to be signified by Writing under the Hands of the nominating and approving Parties) in order that such Principal Money and the Produce thereof may be applied in the Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

When under
20l.

XXVI. Provided also, and be it further enacted, That where such Money, so contracted or agreed or awarded to be paid as aforesaid, shall not exceed the Sum of Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Party or Parties who would

for the Time being have been entitled to the Rents and Profits of the Messuages, Buildings, Lands, Tenements, or Hereditaments so purchased, taken, or used, for the Purposes of this Act, in such Manner as the said Commissioners for executing this Act, or any Five or more of them, shall think fit; or in cases of Infancy, Lunacy, or Idiocy, then to the Guardian or Guardians, Committee or Committees of the Infants, Lunatics, or Idiots entitled to such Rents and Profits, to and for the Use and Benefit of such Infants, Lunatics, or Idiots respectively.

XXVII. And be it further enacted, That in case any Party or Parties, to whom any Sum or Sums of Money shall have been so awarded for the Purchase of any of the said Messuages, Buildings, Lands, Tenements, or Hereditaments, specified in the said Schedule annexed to this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Conveyances of the same; or in case the Party or Parties to whom such Sum or Sums of Money shall have been so awarded as aforesaid, cannot be found; or if the Party or Parties entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments, shall not be known or discovered; then and in every such Case it shall be lawful for the said Commissioners, or any Five or more of them, to order the said Sum or Sums of Money, so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Messuages, Buildings, Lands, Tenements, or Hereditaments [describing the said Premises] subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, upon the Application of any Party or Parties making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Purchase of the like Bank Annuities as aforesaid, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Party or Parties making Claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay the same into the Bank as aforesaid.

Compensation Money to be paid into the Bank, on Refusal to accept, &c.

XXVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Party or Parties to any Money to be paid into the Bank of *England*, in pursuance of this Act, for the Purchase of any Messuages, Buildings, Lands, Tenements, or Hereditaments, or of any Estate, Right or Interest in any Messuages, Buildings, Lands, Tenements, or Hereditaments, to be purchased or taken by the said Commissioners in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends of any such Bank Annuities; the Party or Parties who shall have

Right of Persons in Possession to have the Preference.

have been in Possession of such Messuages, Buildings, Lands, Tenements, or Hereditaments, at the Time of such Purchase by the said Commissioners, shall be deemed and taken to have been lawfully entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery; and the Dividends of the said Bank Annuities, and also the Capital of the same Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall appear to the said Court that such Possession was a wrongful Possession, and that some other Party or Parties was or were lawfully entitled to such Messuages, Buildings, Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Costs attending Purchases to be paid by Commissioners.

XXIX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Party or Parties entitled to any Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, and to be applied in the Purchase of other Messuages, Buildings, Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time, out of the Monies to be raised by virtue of this Act, pay such Sums of Money for the Purposes aforesaid, as the said Court shall direct.

Power to pull down Buildings purchased.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners to cause all and every the Messuages and other Buildings, or Parts of Messuages and Buildings, which shall at any Time be purchased or taken by the said Commissioners under the Powers and for the Purposes of this Act or any of them, or any Part or Parts thereof, to be appropriated to any of the Purposes of this Act, or otherwise to be taken down and removed, and to cause all or any Part or Parts of the Sites thereof, and any other Land or Ground to be purchased or taken under the Powers and for the Purposes of this Act, to be added or laid to or into, and made Part of any of the Streets, Lanes, Roads, Passages or other public Places within the said Borough, for the Purpose of widening or improving the same, or of making any Communication or Communications between any of the Streets, Lanes, Roads, Passages, or other public Places within the said Borough, from Time to Time, and in such Manner as the said Commissioners shall judge proper; and that all the Land or Ground which shall be so added or laid to or into any Streets, Lanes, Roads, Passages or other public Places within the said Borough, shall at all Times thereafter be deemed and used as Part of the public Highways of the said Borough; and that it shall be lawful for the said Commissioners to cause all or any of the Materials of the several Messuages or other Buildings, or Parts of Messuages or Buildings which shall be taken down in pursuance of this Act, to be sold; and all the Monies to be produced by the Sale thereof (after deducting the Expences of taking down such Buildings and of such Sale) shall be applied and disposed of for or towards the general Purposes of this Act.

XXXI. And

XXXI. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time and at all Times hereafter, to provide and maintain a fit and convenient public Office within the said Borough, for holding the Meetings and transacting the Business of the said Commissioners, and for the holding of such other public Meetings, and transacting such other public Business, relating to the said Borough, as the said Commissioners shall from Time to Time direct or allow to be held or transacted therein; and for such Purpose either to appropriate any Messuages or Buildings, or any Part of any Messuages or Buildings, which shall be purchased or taken by the said Commissioners under the Powers of this Act, or otherwise to cause any new Erection or Building to be made upon any Land or Ground which shall be so purchased or taken as aforesaid; and that it shall be lawful for the said Commissioners, from Time to Time, to make and establish such Rules, Orders and Provisions, for the Use and Management of such public Office, and for airing, warming, lighting, cleansing and repairing the same, and to make such Allowance or Allowances to the Keeper or Keepers of the same public Office, for his or their necessary Attendance and Trouble about the same, as shall from Time to Time appear expedient to the said Commissioners.

Power to provide a Public Office.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners, at any Time or Times when they shall deem it expedient, to provide, erect, and maintain, in some convenient Place within the said Borough, a Machine for the weighing of Waggon, Carts and other Carriages, together with such Buildings as may be necessary for the due Management and Superintendance of the same Machine; and from Time to Time to employ any proper Person to attend such Machine, who shall weigh all Waggon, Carts and other Carriages brought thereto, and make Entries in Books to be kept for that Purpose of the Weights thereof, and deliver Tickets specifying the same Weights, to the Drivers of such Carriages; and from Time to Time to fix and determine what Fees or Rewards shall be taken by the Person so attending from the Drivers of such Carriages, for his Trouble in weighing the same; and also to make and establish such other Rules and Regulations for the Management of the said Machine, and the Conduct of the Person appointed to attend the same, as the said Commissioners shall think proper; and if any Person so appointed shall demand, take or accept, from any Person whomsoever, any greater Fee or Reward for the Performance of his Office than such as shall be allowed by the said Commissioners, or shall wilfully disobey or act contrary to any other Rule or Regulation so made by the said Commissioners, every Person so offending shall for every such Offence forfeit and pay the Sum of Ten Pounds.

Power to provide a Public Weighing Machine.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioners to sell and dispose of so many or such Part or Parts of the Messuages, Buildings, Lands, Tenements or Hereditaments, to be purchased by or vested in them by virtue of the Powers herein contained, as shall at any Time be found to be unnecessary or more than sufficient for the Purposes of this Act; and for completing and carrying any such Sale or Sales into Effect, the said Commissioners, or any Five or more of them, are hereby authorized and empowered to make and execute any Conveyance or Conveyances of such of the said Premises as shall have been so sold or disposed of, unto the Purchaser or Purchasers thereof; and

Power to resell Premises not wanted.

[Local.]

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such

such Conveyance or Conveyances shall in all Cases be deemed sufficient in the Law to vest such of the said Premises as shall be expressed and intended to be granted by such Conveyance or Conveyances, in the Purchaser or Purchasers thereof, and his, her or their respective Heirs and Assigns: Provided nevertheless, that the Person or Persons who was or were the Owner or Owners of the said Premises, at the Time when the same were purchased or taken by the said Commissioners for the Purposes of this Act, shall have the first Preference of purchasing such Part or Parts of the said Premises as shall be found unnecessary as aforesaid; and in case any such former Owner or Owners shall, upon the same being offered to him or them by the said Commissioners in that Behalf, decline or refuse to purchase the same, then and in every such Case, an Affidavit, being made and sworn before a Master, or Master Extraordinary of the High Court of Chancery, by some Person or Persons (not interested in the Premises) stating that such Offer was made by or on the Behalf of the said Commissioners, and that such former Owner or Owners declined or refused to purchase the same Premises, shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made, and was declined or refused by such former Owner or Owners; but in case such former Owner or Owners shall be desirous of re-purchasing the same, and cannot agree with the said Commissioners in regard to the Price to be paid for the Purchase thereof, then and in such Case the Price or Value thereof shall be settled and ascertained by a Jury, in like Manner as the Recompence or Satisfaction for any Hereditaments to be taken by the said Commissioners for the Purposes of this Act, is herein-before directed to be settled and ascertained; and the Costs and Charges of ascertaining and determining the same shall be borne and paid in like Manner as herein-before is directed with respect to Purchases made by the said Commissioners, *mutatis mutandis*; and all Monies to arise by any Sale or Sales, which may be made by the said Commissioners of the said Premises, or any Part or Parts thereof, shall be applied to the general Purposes of this Act; but the Purchaser or Purchasers thereof, having paid his or their Purchase Monies to the Treasurer of the said Commissioners, and obtained his Receipt or Receipts for the same, shall not be liable to see to the Application of the said Monies, or answerable or accountable for the Misapplication or Non-application of the same.

Pavements,
&c. vested in
the Com-
missioners.

XXXIV. And be it further enacted, That all the present and future Pavements in the several Streets, Lanes, Highways, Passages and other public Places within the said Borough, and the Stones, Flags, Bricks, Gravel and other Materials, of which as well the Carriage Ways as the Foot Ways within the said Streets, Lanes, Highways, Passages and other public Places, do and shall consist, and also all Watch Boxes and other Erections which shall be hereafter erected, provided, fixed, or set up, by virtue or for the Purposes of this Act; and all the present and future public Wells, Pumps, Posts, Rails, Chains and Grates, in the said Streets, Lanes, Highways, Passages and other public Places; and the Materials of all Houses and other Buildings which shall be purchased and pulled down by the said Commissioners in pursuance of this Act; and all Materials, Tools, Utensils, Carriages, Implements and other Things, which shall be purchased or provided by the said Commissioners for the Purposes of this Act, and all the Soil, Manure, Ashes, Dirt and Rubbish, which shall be deposited or laid, or be swept, gathered or collected in the said Streets,
Lanes,

Lanes, Highways, Passages and other public Places, or any of them, shall belong to, and be the Property of, and the same are hereby vested in the said Commissioners for the Time being, which Commissioners shall be known by the Name of 'The Commissioners for improving the Borough of *Newcastle-under-Lyme*;' and the said Commissioners shall have full Power and Authority to sell and dispose of all or any of the said Articles and Things, to such Person or Persons, and in such Manner as the said Commissioners shall think proper for the Purposes of this Act; and the said Commissioners shall and may cause any Action or Actions to be brought, or direct any Bill or Bills of Indictment to be preferred (as the Case may require), against any Person or Persons who shall steal, take or carry away, detain, deface, damage, injure or destroy the several Articles and Things hereby vested in the said Commissioners as aforesaid or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively, it shall be sufficient to state generally, that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment shall be preferred, is or are the Property of 'The Commissioners for improving the Borough of *Newcastle-under-Lyme*,' without stating or specifying the Names of all or any of the said Commissioners; and if any Person or Persons shall wilfully or maliciously break, throw down, destroy, deface, or otherwise damage or injure any of the Articles or Things hereby vested in the said Commissioners, or any of the Works executed by them, or by their Order in pursuance of this Act; then every Person so offending shall for every such Offence forfeit and pay the Penalty or Sum of Five Pounds; and shall moreover pay unto the said Commissioners such Sum of Money as shall be a full Satisfaction for the Damages so done as aforesaid; and such Damages having been ascertained by some Justice or Justices of the Peace for the said Borough, or for the said County of *Stafford*, the same shall and may be levied and recovered from such Person or Persons so offending as aforesaid, in the Manner hereinafter directed for the Recovery of Penalties incurred by virtue of this Act; and when so recovered, the same shall be paid to the Treasurer of the said Commissioners, to be applied to the general Purposes of this Act.

XXXV. And be it further enacted, That all and every the present and future Streets, Lanes, Highways, Passages and other public Places within the said Borough, comprehending as well the Carriage Ways as the Foot Ways, shall, for the Purposes of this Act, absolutely vest in and belong to the said Commissioners for the Time being; and that it shall be lawful for the said Commissioners, and they are hereby authorized and required from Time to Time, and at all Times hereafter, to cause the said Streets, Lanes, Highways, Passages and other public Places to be paved and flagged, or otherwise repaired, amended and supported, in such Manner and with such Materials as the said Commissioners shall think proper; and to cause the Pavements, Flags and other Materials thereof, from Time to Time to be taken up and relaid, and the Ground whereupon the same shall be laid, to be raised, lowered or altered in such Manner as the said Commissioners shall direct; and from Time to Time to cause any Gutters, Drains or Watercourses to be made in, through, over or under any of the said Streets, Lanes, Highways, Passages or other public Places, for carrying off Water from the same; and any of the present or
future

Streets and Highways vested in Commissioners, with Power to pave, &c.

future Gutters, Drains or Watercourses therein, to be stopped up, or otherwise opened, enlarged, altered or cleansed, in such Manner as the said Commissioners shall think expedient; and from Time to Time to cause Grates to be placed in or over any of the said Gutters, Drains or Watercourses, and to remove, alter or vary the Situations of the present or any future Grates, placed or to be placed in or over the same, in such Manner as the said Commissioners shall think proper; and also to order and cause the Removal of all or any of the Posts, Stones, Rails or Pales, which are or shall be in any of the said Streets, Lanes, Highways, Passages or other public Places, and which shall be useless or an Obstruction to the free Passage along the same; and from Time to Time and at all Times to cause all Acts, Matters and Things to be done and executed, which shall be necessary and proper for maintaining the said Streets, Lanes, Highways, Passages and other public Places in complete Order and Repair; and for the Purposes aforesaid, or for the Purposes herein-after mentioned, or any of them, from Time to Time to appoint and employ such and so many Paviours, Artificers, Workmen, Labourers, Carters and other Persons, and to purchase, employ, and use such Horses, Carts, Tools and Implements, as the said Commissioners shall judge to be necessary for carrying this Act into Execution; and the several Persons so to be appointed and employed by the said Commissioners for the aforesaid Purposes shall have and are hereby invested with full Power and Authority, to execute the same.

Not to interfere with Liabilities to the Repair of Bridges;

XXXVI. Provided always, and be it further enacted, That nothing herein contained shall extend to compel or oblige the said Commissioners to repair, amend or maintain any Bridges whatsoever, within the said Borough, which the Inhabitants of the said Borough are not at present bound by Law to repair and amend; but that the same and every of them shall be repaired, amended, and maintained by such Person or Persons, or Body or Bodies Politic or Corporate, as would have been subject and liable to repair and amend the same respectively, in case this Act had not passed.

nor with Liability to Repair of Footways on Newcastle Marsh.

XXXVII. Provided also, and be it further enacted, That nothing herein contained shall extend to vacate or lessen the Force of any Covenant or Covenants, whereby the Lessees, Tenants or Occupiers of any Dwelling Houses, Lands or Tenements, held by Lease under the Trustees of the Marsh within the said Borough or any of them, are or may be bound, at their own Expence, to pave, repair or maintain any Part or Parts of the Footways upon the Marsh aforesaid; but that every Person, who by virtue of any such Covenant or Covenants, now is or hereafter shall be bound to pave, repair or maintain any Part of the same Footways, shall continue liable to the Burthen thereof, for and during such Term or Terms as the same Covenant or Covenants respectively would have remained in force, in case this Act had not passed.

General Highway Statutes applicable to this Act.

XXXVIII. And be it further enacted, That all and every the public General Statutes now in force, for the Amendment and Preservation of the public Highways within that Part of *Great Britain* called *England*, and all the Clauses, Regulations, and Enactments in the same Statutes contained, and all the Powers and Authorities thereby given, and the Rates, Assessments, Composition Monies and Statute Duties, thereby directed
or

or authorized to be raised, levied and performed, for the Amendment and Preservation of the Highways, shall be and remain in full force, and be applicable and applied, under the Authority of this Act, and under the Direction of the said Commissioners for putting the same into Execution, to and for the Amendment and Preservation of the Streets, Lanes, Highways, Passages, and other public Places within the said Borough in all respects whatsoever, except so far as the same are hereby repealed, altered or varied; any thing herein contained to the contrary notwithstanding.

XXXIX. And be it further enacted, That at all Times from and after the passing of this Act, the Power of Appointment to the Office of the Surveyor or Surveyors of the Highways within the said Borough, shall be and the same is hereby vested wholly and exclusively in the said Commissioners for the Time being; and the said Commissioners, or any Five or more of them, shall and may, by Warrant under their Hands and Seals, Yearly and every Year appoint One or more substantial Inhabitant or Inhabitants of the said Borough, duly qualified according to the Provisions of the said General Highway Statutes, to be the Surveyor or Surveyors of the Highways within the said Borough; and the said Commissioners shall also have Power from Time to Time to remove any such Surveyor or Surveyors, and to appoint any other Person or Persons in his or their Stead; and shall and may allow to any Surveyor or Surveyors, so to be appointed by them as aforesaid, such Salary or other Recompence for executing the said Office as the said Commissioners shall think proper; and that all and every the Powers and Authorities whatsoever, which, in or by the said General Highway Statutes, or any of them, appertain and belong to, or are to be executed by any Surveyor or Surveyors of the Highways, and all the Rates, Assessments, Composition Monies and Statute Duties whatsoever, which, in or by the same Statutes, or any of them, are directed or authorized to be assessed, levied or enforced by any such Surveyor or Surveyors, shall or may from Time to Time be used and exercised, assessed, levied and enforced within the Limits of the said Borough, by the Surveyor or Surveyors of the Highways, from Time to Time to be appointed as aforesaid, under the Controul and Management nevertheless of the said Commissioners, and subject to such Orders and Directions as shall from Time to Time be made and given in that behalf by the said Commissioners, who shall at all Times have the Superintendence and Controul of the said Surveyor or Surveyors of the said Highways, and shall be entitled to order and direct in what Manner and for what specific Objects all Rates, Assessments, Composition Monies and Statute Duties, which by virtue of the said General Highway Statutes are or may be raised, levied, or required within the Limits of the said Borough, shall from Time to Time be laid out, disbursed, appropriated and executed for the Amendment and Preservation of the Streets, Lanes, Highways, Passages, and other public Places within the said Borough; and if any Person to be appointed a Surveyor of the Highways within the said Borough, in pursuance of this Act, shall not, within Six Days after being served with the Warrant of his Appointment or a Copy thereof, signify his Acceptance of the said Office of Surveyor, either in Person or by Writing, to the Clerk of the said Commissioners, or after having accepted such Office, shall neglect or refuse to perform and execute any lawful Order or Direction which shall be given to him by the said Com-

Commissioners vested with Power of appointing Surveyors of Highways.

missioners under the Authority of this Act, relating to the Execution of his Office, every Person so offending shall forfeit and pay for every such Offence the Sum of Five Pounds, over and besides any Penalty or Penalties to which he may be subject for any Breach or Neglect of his Duty as Surveyor, under any of the aforesaid General Highway Statutes: Provided nevertheless, that no Person shall be obliged to serve the said Office of Surveyor for a longer Period than One Year, nor be liable to be again appointed to the said Office, without his own Consent, during the Space of Ten Years next after his having served the same, or paid the said Penalty for not accepting the same as aforesaid; nor shall any Person above the Age of Sixty Years be compellable to serve the said Office.

Power to
get Materials
for repairing
Streets, &c.

XL. And be it further enacted, That it shall be lawful for the said Commissioners, or the Surveyor of their Works, or any other Person or Persons employed or appointed by them, having an Order in Writing under the Hands of any Five of the said Commissioners for the Purpose, to search for, dig, gather, get, and carry away any Stone, Gravel, Sand, Earth, or other Materials, fit or proper for paving, repairing, amending, raising or improving the said Streets, Lanes, Highways, Passages and other public Places within the said Borough, out of any Waste Grounds or Commons, or any Common River or Brook, within the said Borough, or in any adjoining Parish, Hamlet, Township or Place, within the said County of *Stafford*, without paying any Thing for the same; they the said Commissioners causing the Pits or Quarries to be filled up, and the Ground to be levelled, or otherwise causing the Banks where such Materials shall be taken to be sloped down, and the Pits or Quarries to be fenced off, so that the same may not be dangerous to Passengers or Cattle; and in case a sufficient Quantity of such Materials cannot be had in or upon any such Waste Grounds or Commons, or in any such Common River or Brook as aforesaid, then and in such Case it shall be lawful for the said Commissioners, or their aforesaid Surveyor, or any other Person or Persons employed or appointed by them as aforesaid, by Order of any Justice or Justices of the Peace for the said Borough, or for the said County of *Stafford*, to be made upon the Application of the said Commissioners, to search for, dig, gather, get and carry away any such Materials, in, out of, and from the inclosed Lands or Grounds of any Person or Persons, situated within the said Borough, where the same may had or found, such Lands or Grounds not being a Yard, Garden, Orchard, Nursery for Trees, Walk or Avenue to a House; the said Commissioners nevertheless, making or tendering such Satisfaction for the Value of such Materials, and also for the Damages done to the Owners and Occupiers of any such Lands or Grounds, where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as shall be agreed upon between the said Commissioners or the Person or Persons acting on their Behalf and such Owners or Occupiers respectively; or in case of their not agreeing, then any Justice or Justices of the Peace, acting in and for the said Borough, or the said County of *Stafford*, shall and may, in a summary Way, hear, settle, and determine the Matter of such Payments and Damages; and the Judgment or Order of such Justice or Justices therein, shall be final and conclusive to all Parties: Provided nevertheless, that no such Stone or other Materials as aforesaid, lying or being within the Distance of One hundred Yards from any Bridge, Mill, or Mill Weir or Dam, shall be dug for, gotten or taken away, on any Account or Pretence whatsoever.

XLI. Provided nevertheless, and be it further enacted, That it shall not be lawful for the said Commissioners, or any Person or Persons acting under their Authority, to search for, dig, gather, get or carry away any Materials for the Purposes aforesaid, out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by the Clerk of the said Commissioners, shall have been given to the Owners or Occupiers of the Premises from which such Materials are intended to be taken, to appear before some Justice or Justices of the Peace acting in and for the said Borough, or the said County of *Stafford*, to shew Cause why such Materials shall not be had or taken from such Lands or Grounds; and in case such Owners or Occupiers, or their respective Agents, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, such Justice or Justices shall, if he or they think proper, authorize the said Commissioners, or such Person or Persons as they shall appoint for the Purpose, to dig, gather, get, take and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Owners or Occupiers shall neglect or refuse to appear in Person, or by their respective Agents, before such Justice or Justices at the Time appointed for that Purpose, then the said Justice or Justices shall and may (upon Proof on Oath of the Service of such Notice), make such Order in the Premises as he or they shall think fit, as fully and effectually to all Intents and Purposes as if such Owners or Occupiers, or their respective Agents, had attended in pursuance of such Notice.

Notice to be given before entering on Lands for getting Materials.

XLII. And be it further enacted, That the said Commissioners shall have full Power and Authority to cause any such Stone, Gravel, Sand, Earth, or other Materials as aforesaid, to be carried and brought into the said Streets, Lanes, Highways, Passages and other public Places within the said Borough, or any of them, and laid down there for the Purposes of this Act; and that if any Persons whomsoever shall, without the Licence and Authority of the said Commissioners, or of the Surveyor of their Works for the Time being, remove or take away any such Stone, Gravel, Sand, Earth, or other Materials, laid upon or in the said Streets, Lanes, Highways, Passages and other public Places within the said Borough, or any of them, by the Order of the said Commissioners; or shall remove or take away any such Stone, Gravel, Sand, Earth or other Materials, which shall have been dug or gathered by the Order of the said Commissioners, or their said Surveyor, in any Lands, Waste Grounds, Rivers or Brooks; or shall get or take away any Stone or Gravel out of any Pit or Quarry made for the Purposes of this Act, before the said Surveyor and the Persons working under his Direction, shall have discontinued working therein for the Space of Six Weeks, except only the Owners or Occupiers of any such private Grounds, and Persons authorized by them to get Materials in such Pit or Quarry, for the private Use only of such Owners or Occupiers, and not for Sale; every Person so offending in any of the Cases aforesaid shall forfeit and pay for every such Offence the Sum of Five Pounds.

Penalty on Persons taking away Materials got by the Commissioners.

XLIII. And be it further enacted, That it shall be lawful for the said Commissioners or their said Surveyor, during such Time as any of the Streets, Lanes, Highways, Passages or other public Places within the said Borough, shall be under Repair, or during the making or repairing of any Sewers or Drains therein, to cause such and so many Bars, Posts, Rails and

Power to place Bars across Streets under Repair.

and Chains, to be fixed, set up, and placed across or in any of the said Streets, Lanes, Highways, Passages or other public Places, to prevent the passing of Carriages, Horses and Cattle, whilst such Works and Repairs are in Progress, as to the said Commissioners shall seem proper; and if any Person or Persons shall throw down, break, remove, damage or injure any of the said Bars, Posts, Rails or Chains, without the Authority or Consent of the said Commissioners, every Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds.

Penalty on Persons taking up Pavement without Consent of Commissioners.

XLIV. And be it further enacted, That if any Person or Persons whomsoever shall at any Time hereafter take up or cause to be taken up any Part of the Pavement Flags or other Materials of the Carriage-ways or Foot-ways in the said Streets, Lanes, Highways, Passages and other public Places, or any of them, or shall make or cause to be made any Alteration in any of the Gutters, Drains, or Watercourses therein, without the previous Consent and Authority of the said Commissioners or their said Surveyor; every Person so offending shall for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Power to Owners of Waterworks to lay Pipes.

XLV. Provided always, and be it further enacted, That it shall be lawful for the Mayor, Bailiffs and Burgeses of the said Borough, and their Lessees, the Proprietors for the Time being of the Works for supplying the Inhabitants of the said Borough with Water, and for any Person or Persons acting by or under their Authority, from Time to Time, at seasonable Hours in the Day-time, but not otherwise, to break up any Part of the Pavement Flags or other Materials of any of the said Streets, Lanes, Highways, Passages or other public Places, whenever it shall be necessary so to do, for the Purpose of repairing or laying down any Water Pipe or Water Pipes for the Use of the said Works; nevertheless, such Proprietors first causing Notice in Writing to be given to the said Commissioners, or their said Surveyor, of the Intention to break up such Pavement Flags or Materials for the Purposes aforesaid, and being bound to take care in every such Case that every Trench which shall be made by them for the repairing or laying down of any such Water Pipe or Water Pipes, shall be effectually filled up with all practicable Dispatch, and that the Place or Places where the Ground shall be so broken up, shall be fenced and guarded in the meantime, and proper Lights set up at or near the same during the Night, so as to prevent Accidents; and in all such Cases the Surveyor of the said Commissioners shall forthwith cause such Pavement Flags or Materials to be properly relaid and reinstated, as soon as the Work for which the same shall have been broken up shall be completed; but all the Costs and Charges attending the relaying and re-instating thereof, shall be reimbursed and made good to the said Commissioners by the Person or Persons who shall have given such Notice, or caused such Pavement Flags or Materials to be broken up as aforesaid; and in default of Payment thereof, within the Space of Three Days next after Demand in Writing made for that Purpose by the said Surveyor or any other Officer of the said Commissioners, then and in every such Case, such Costs and Charges having been ascertained by some Justice or Justices of the Peace for the said Borough, or for the said County of *Stafford*, shall and may be levied and recovered from such Person or Persons as aforesaid in such and the like Manner as any Penalties are by this Act directed to be levied and recovered; and when so recovered, the same shall be paid to the
Treasurer

Treasurer of the said Commissioners, to be applied to the general Purposes of this Act; and if the Person or Persons who shall have given any such Notice as aforesaid, or shall have caused such Pavements, Flags, or Materials to be broken up as aforesaid, shall refuse or neglect effectually to fill up every Trench which shall be made in the Progress of such Work with all practicable Dispatch, or in the meantime to fence and guard the Place or Places where the Ground shall be so broken up, and set up proper Lights at or near the same during the Night, for the Prevention of Accidents; then and in every such Case, the Person or Persons so respectively refusing or neglecting shall for every such Offence forfeit and pay the Sum of Five Pounds.

XLVI. Provided always, and be it further enacted, That when and so often as any Water Pipe or Water Pipes belonging to the said Mayor, Bailiffs and Burgeffes, or their Lessees, or to any other Persons who now furnish or shall hereafter furnish any of the Inhabitants of the said Borough with Water, shall happen to break, burst or decay, so as to discharge Water upon the Surface of any of the said Streets, Lanes, Highways, Passages or other public Places, then and in every such Case the Surveyor of the said Commissioners shall forthwith give Notice in Writing of the Defect that shall have so taken place to the Owner or Owners of the said Water Pipes, or his or their Agent or Bailiff, who shall have the Superintendance of the same; and the Owner or Owners of the said Water Pipes is and are hereby required forthwith, upon such Notices as aforesaid being given to take up the Pavement, and open the Ground at the Place where such Defect shall appear, and effectually to repair and make good every such Defect as aforesaid within Seven Days next after such Notice, and shall be bound in every such Case to fill up every Trench which shall be made in the Progress of such Repairs with all practicable Dispatch, and in the meantime to fence and guard the Place or Places where the Ground shall be broken up, and to set up proper Lights at or near the same during the Night, for the Prevention of Accidents; and as soon as any such Defect shall have been effectually repaired, the said Surveyor of the said Commissioners is hereby required to reinstate and make good the said Pavement; for the doing of which, the like Compensation and Satisfaction as aforesaid shall be made by the Owner or Owners of the said Water Pipes to the said Commissioners, upon Demand in Writing made thereof, and shall be ascertained and recovered in like Manner as aforesaid; and if the Owner or Owners of the said Water Pipes shall, for the Space of Seven Days next after the giving of such Notice as aforesaid, refuse or neglect to take up such Pavement, and open such Ground, or to cause or procure such defective Water Pipe or Water Pipes to be effectually repaired, or shall not fill up every Trench which shall be made in the Progress of such Repairs with all practicable Dispatch, and in the meantime fence and guard the Place or Places where the Ground shall be so broken up, and set up proper Lights at or near the same during the Night, for the Prevention of Accidents, then and in every such Case the Person or Persons so respectively refusing or neglecting, shall for every such Offence forfeit and pay the Sum of Five Pounds.

If Water Pipes burst, the Defects to be repaired.

XLVII. And be it further enacted, That if the said Commissioners, or their said Surveyor, or any other Person or Persons acting by or under
[Local.]

Commissioners to make good any their

Water Pipes
damaged by
them.

their Authority, shall in the Execution of any of the Powers of this Act, damage or injure any Water Pipe or Water Pipes laid down or to be laid down within the said Borough, then and in every such Case the said Commissioners shall, and they are hereby required to make and pay full Satisfaction and Compensation for the same to the Owner or Owners of the Pipe or Pipes so damaged or injured; and in case of any Neglect or Refusal to make and pay such Satisfaction and Compensation within Twenty-one Days next after Demand made thereof in Writing from the Clerk of the said Commissioners, the full Amount of the Damages sustained by making good such Water Pipe or Water Pipes, shall and may be recovered by Distress and Sale of the Goods and Chattels of the said Commissioners, to be levied by Warrant under the Hand and Seal of any Justice of the Peace for the said Borough, or for the said County of *Stafford*, which Warrant any such Justice is hereby empowered to grant, on the Application of the Owner or Owners of the Water Pipe or Water Pipes so damaged or injured as aforesaid.

Power to set
up Posts for
guarding
Footways.

XLVIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to erect and set up in such Parts of the said Streets, Lanes, Highways, Passages and other public Places, as the said Commissioners may think necessary, any Posts, Pillars, Stones, Rails, Bars, Chains, or any other Fence, either permanent or temporary, for the Purpose of preserving any of the Footways within the said Borough clear from Annoyance by Horses, Cows, Swine, or other Cattle, and for the Purpose of keeping off Carriages from any of the said Footways, and for the Prevention of Accidents.

Power to
maintain
public Wells,
and make
common
Sewers.

XLIX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, and at all Times hereafter, to cause all or any of the public Wells and Pumps within the said Borough to be supported and kept in good Order and Repair, and made Serviceable for the Use of the Inhabitants of the said Borough; and also to cause such and so many common Sewers, of such Materials, Dimensions and Forms as they may think sufficient and necessary, to be constructed and made, in, along, or across any of the Streets, Lanes, Highways, Passages, or other public Places within the said Borough; and also to cause any of the common Sewers which now are or hereafter shall be within the said Borough, to be altered, enlarged, repaired, cleansed, or completed, when and so often as the said Commissioners shall deem proper; and in case it shall be found necessary for completing any of the aforesaid Sewers, to carry and continue the same into and through any inclosed Lands or Grounds lying within the said Borough, it shall be lawful for the said Commissioners to carry and continue the same into and through the said Lands or Grounds accordingly, such Lands or Grounds respectively not being occupied as Courts, Yards, Gardens or Orchards, or as Avenues or Approaches to any Dwelling Houses: Provided always, that if the Owners of any such Lands or Grounds, into or through which any such Sewer shall be carried or continued by the said Commissioners as aforesaid, shall be injured or damaged thereby, and such Owners shall refuse to treat, or cannot agree with the said Commissioners, as to the Recompence or Compensation to be paid for such Injury or Damage; then the said Commissioners shall make and pay to such Owners respectively, such Recompence or Compensation for the same as shall be assessed and awarded by the
Inquisition

Inquisition of a Jury, to be had in like Manner and subject to the same Provisions as are herein-before directed in regard to other Inquisitions of Juries to be had touching other Compensations to be made by the said Commissioners.

L. And be it further enacted, That it shall be lawful for the said Commissioners to authorize and empower any Person or Persons whomsoever, at any Time or Times hereafter, at his or their own Expence, to turn or carry any new Private or Branch Drain into any common Sewer already made, or which shall be made by virtue of this Act; but if any Person or Persons shall at any Time hereafter turn or carry any such new Private or Branch Drain into any such common Sewer, without the Licence and Consent of the said Commissioners first had and obtained, every Person so offending in the Premises shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Consent to be had for turning private Drains into common Sewers.

LI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required from Time to Time and at all Times after the passing of this Act, to cause the Streets, Lanes, Passages, and other public Places within the said Borough, to be well and effectually lighted, either with Gas, Oil, or otherwise, at such Seasons and Times as the said Commissioners shall judge proper; and for that Purpose the said Commissioners are hereby empowered, if they shall think it expedient so to do, to cause Mains or Pipes for the Conveyance of Gas, to be laid and carried along, through, and under the Streets, Lanes, Passages, and other public Places within the said Borough, or any of them; and to cause such and so many Lamp Irons, Lamp Posts, Pillars, Pilasters and Pipes as they shall judge necessary to be affixed or set up, into, upon, or against the Walls or Palisades of all or any of the Houses or Buildings, or any other Walls or Fences within the said Borough, or in or upon any of the Carriageways or Footways within the said Borough, in such Situations and at such Distances and in such Manner as the said Commissioners shall think proper; and to cause so many Glass or other Lamps, with such Sorts of Burners, and of such Dimensions, Constructions, and Qualities as the said Commissioners shall judge proper, to be provided and affixed upon or to such Lamp Irons, Lamp Posts, Pillars or Pilasters, or any of them; and to cause the same Lamp Irons, Lamp Posts, Pillars, Pilasters and Lamps, or any of them, to be from Time to Time taken down, removed, altered, repaired, renewed or replaced, when and as often as they shall think proper; and to cause such Lamps or any of them to be lighted at such Seasons of the Year, on such Evenings and at such Hours of the Evening, and to be kept burning for so many Hours as shall be thought expedient by the said Commissioners: Provided nevertheless, that nothing herein contained, shall extend to authorize the said Commissioners to cause any Pipe or Pipes for the Conveyance of Gas, to be affixed upon or against the Wall of any House within the said Borough, without the Consent of the Owner and Occupier of such House having been previously obtained in that Behalf.

Power of lighting given to the Commissioners.

LII. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time to enter into any Contract or Contracts, either with any such Gas Light Company already established, or hereafter to be established within the said Borough, or with any other Person or Persons, or Body or Bodies Politic or Corporate, for having the said Streets,

Power to contract for lighting.

Streets, Lanes, Passages and other public Places, or any of them, lighted with Gas, Oil, or otherwise, as to the said Commissioners shall from Time to Time seem proper and expedient, subject nevertheless to the Stipulations herein-after contained, in regard to the making of such Contracts.

Lamps, &c.
vested in the
Commissioners.

LIII. And be it further enacted; That all the Posts, Pillars, Pilasters, Lamp Irons, and Lamps, which from Time to Time shall be erected, set up, or furnished for the public Lighting of the said Borough, or any Part thereof, either by or by the Order of the said Commissioners, or by any such Gas Light Company as aforesaid, in pursuance of any Contract or Contracts between the said Commissioners and such Gas Light Company, shall (subject only to such Power as in or by any such Contract or Contracts may be reserved to such Gas Light Company as aforesaid, to remove, take, and carry away, to their own Use, any of the said Posts, Pillars, Pilasters, Lamp Irons and Lamps, which may have been previously erected or furnished at their Expence, in the Event of there being a Discontinuance of the Contracts between the said Commissioners and such Gas Light Company), be held and deemed to belong to and be the Property of, and the same are hereby vested in the said Commissioners for the Time being; and the said Commissioners shall and may cause any Action or Actions to be brought, or direct any Bill or Bills of Indictment to be preferred, as the Case may require, against any Person or Persons who shall steal, take, or carry away, detain, deface, damage, injure, or destroy the several Articles and Things so hereby vested in the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally, that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment shall be preferred, is or are the Property of "The Commissioners for improving the Borough of *Newcastle-under-Lyme*," without stating or specifying the Names of all or any of the said Commissioners.

Penalty for
wilful break-
ing of Lamps,
&c.

LIV. And be it further enacted, That if any Person or Persons whomsoever, shall wilfully or maliciously take away, break, throw down, or otherwise deface or damage any Lamp or Lamps, which shall have been set up by or by the Order of the said Commissioners, or by the said Gas Light Company, for the public Lighting of any Part of the said Borough, or any Post, Pillar, Pilaster, Lamp Iron, Cover or other Furniture thereof, or shall wilfully extinguish the Light or Lights of any such Lamp or Lamps, it shall be lawful for any Justice or Justices of the Peace for the said Borough, or for the said County of *Stafford*, and he and they is and are hereby required, upon Oath made of the Commission of any such Offence, to issue a Warrant for apprehending the Party or Parties accused; or it shall be lawful for any Person or Persons who shall see any such Offence committed, to apprehend, and for any other Person or Persons to assist in apprehending the Offender or Offenders, and by the Authority of this Act, and 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 or Justices of the Peace for the said Borough or County; and upon the Party or Parties accused being brought before such Justice or Justices, such Justice or Justices shall proceed to examine upon Oath any Witness or Witnesses

nesses who shall appear to give Evidence, touching such Offence or Offences; and if the Party or Parties so accused shall be convicted of such Offence or Offences, either upon Confession or upon such Evidence as aforesaid, then and in every such Case, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Five Pounds; and the Offender or Offenders shall also make full Satisfaction to the said Commissioners for the Damages so done; and such Damages having been ascertained by such Justice or Justices, shall and may be levied and recovered from such Offender or Offenders, in the Manner hereinafter directed for the Recovery of Penalties incurred by virtue of this Act; and when so recovered, the same shall be paid to the Treasurer of the said Commissioners, to be applied in aid of the Expences of lighting the said Borough.

L.V. And be it further enacted, That if any Person or Persons whomsoever shall carelessly or accidentally break, throw down, or otherwise destroy, deface, or damage any Lamp or Lamps which shall have been set up by or by the Order of the said Commissioners, or by the said Gas Light Company, for the public Lighting of any Part of the said Borough, or any Post, Pillar, Pilaster, Lamp Iron, Cover, or other Furniture thereof, and shall not, immediately upon Demand made by any Officer of the said Commissioners, make Satisfaction for the Damage done thereto, then and in every such Case it shall be lawful for any Justice of the Peace for the said Borough, or for the said County of *Stafford*, upon Complaint thereof to him made, to summon before him the Party or Parties who shall be complained of for doing such Damage as aforesaid, and upon hearing the Allegations and Proofs on both Sides, or upon the Contempt in not appearing of the Party or Parties so complained of, to award such Sum or Sums of Money as the Damage proved on Oath before such Justice shall amount unto; and in case of Refusal or Neglect to pay any of the Sums of Money so awarded, within Five Days after Demand, then the same shall and may be levied and recovered from the Party or Parties so complained of, in the Manner hereinafter directed for the Recovery of Penalties incurred by virtue of this Act; and when so recovered the same shall be paid to the Treasurer of the said Commissioners, to be applied in aid of the Expences of lighting the said Borough.

Damages to be paid for Lamps broken accidentally.

L.VI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered and required, from Time to Time when and as often as they shall think it expedient, to provide and set up Watch-houses and Watch-boxes, in such Situations as they shall judge proper and expedient, in any of the Streets, Lanes, Highways, Passages or other public Places of the said Borough; and to appoint and employ such and so many Watchmen and Night Patrols as they shall judge expedient and necessary to be employed for the Security and good Order of the said Borough; and such Watchmen and Night Patrols from Time to Time to remove and displace, and to appoint others in their stead; and also to order and direct how many of the said Watchmen and Night Patrols shall attend nightly within the said Borough, and how such Watchmen and Night Patrols shall be armed, and at what Stations they shall be placed, for what Number of Hours they shall watch, and how often they shall go their Rounds,

Power to Commissioners to employ Watchmen.

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and also to fix and determine what Wages or other Allowance shall be paid or given to them for their Services; and the said Commissioners are hereby empowered to make such further Orders and Regulations from Time to Time, for the better Government and Direction of the said Watchmen and Night Patroles, as the Nature of their Services shall appear to them to require; and a Copy or Transcript of all such Orders and Regulations shall be delivered to each of the said Watchmen and Night Patroles.

**Duties of
Watchmen.**

LVII. And be it further enacted, That the said Watchmen and Night Patroles shall, in their several Courses of Service, use their utmost Endeavours not only to prevent Fires, but also to prevent Murders, Burglaries, Robberies, and other Outrages, Disorders and Breaches of the Peace; and to that end the said Watchmen and Night Patroles respectively shall and may, and they are hereby empowered and required, to arrest and apprehend all Night Walkers, Felons, Malefactors, Vagrants, Disturbers of the Peace, and all disorderly and suspected Persons who shall be found misbehaving or wandering within the said Borough, and to lodge them in the Common Gaol of the said Borough, or in any Watchhouse or other Place of Security within the said Borough, which shall be provided or appointed for that Purpose by the said Commissioners, to be there safely kept and detained until they can conveniently be carried before some Justice of the Peace, to be examined and dealt with according to Law; and all such Watchmen and Night Patroles are hereby respectively constituted Constables of the said Borough, from the Times of their respective Appointments, during the respective Periods of their continuing in such Employment, and they shall have and are hereby respectively invested with such and the same Powers, Authorities, Privileges and Protections as Constables are invested with and entitled to by Law.

**Penalty on
Watchmen
for Neglect
of Duty.**

LVIII. And be it further enacted, That if any of the said Watchmen or Night Patroles, so appointed or employed as aforesaid, shall at any Time wilfully neglect to attend in their respective Turns of Service, to keep Watch within the said Borough, at the Hour appointed by the said Commissioners for their Attendance thereon, or shall depart from or cease keeping Watch during the several Hours appointed by the said Commissioners for the Continuance of the same, or shall neglect to arrest, apprehend, or detain any Night Walker, Felon, Malefactor, Vagrant, Disturber of the Peace, or any other disorderly Person found misbehaving or wandering within the said Borough, or shall not observe and perform all the Orders, Rules, and Regulations made by the said Commissioners, for their Conduct and Government in their aforesaid Employment, or shall in any other Manner neglect their Duty or misbehave, every Person so offending shall forfeit and pay for every such Offence the Penalty or Sum of Twenty Shillings, and also shall be immediately dismissed from his said Employment, if the said Commissioners shall think proper so to do.

**Penalty on
Persons har-
bouring
Watchmen.**

LIX. And be it further enacted, That if any Victualler, Alehouse-keeper, or other Person selling Spirituous or other Liquors, shall entertain or harbour in his or her House or Outhouse, any Watchman or Night Patrole, during any of the Hours or Times appointed for the Attendance on Duty of such Watchman or Night Patrole, in virtue of this Act,

then every such Victualler, Alehouse-keeper, or other Person so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

LX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause such Rewards in Money to be paid to any Watchmen or Night Patrols who may be disabled, wounded, or hurt in the Execution of their aforesaid Duties, as the said Commissioners shall think proper and reasonable.

Disabled Watchmen may be rewarded.

LXI. And be it further enacted, That the several and respective Occupiers of Houses and Buildings in the several Streets, Lanes, Passages, and other public Places within the said Borough shall, and they are hereby required to cause the several Foot Pavements along the whole Length of the Front of their respective Houses, Buildings, and Premises, to be well and sufficiently swept and cleansed every Morning in the Year (except on *Sundays*), between the Hours of Six and Ten of the Clock; and in case of any Default in the Premises; every such Occupier so making Default therein shall for every such Offence forfeit and pay the Sum of Five Shillings.

Occupiers of Houses to sweep Footways.

LXII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, as they shall think proper, to compound by the Year or otherwise at their Discretion, with all or any of the Occupiers of Houses or Buildings within the said Borough, for relieving the Persons so compounding from the Burthen of sweeping or cleansing of any of the said Foot Pavements, to which the said Occupiers would have been liable under the Provisions of this Act, at or for such Sum or Sums of Money as the said Commissioners shall think reasonable in that Behalf, upon Condition nevertheless, that such Composition Monies shall always be paid in Advance; and such Compositions, when so made, shall, during the Existence thereof, protect the Occupiers so compounding from incurring any Penalties for neglecting to sweep or cleanse any of the said Foot Pavements.

Commissioners may compound for the sweeping of the Footways.

LXIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause all or any of the Streets, Lanes, Highways, Passages, and other public Places within the said Borough to be watered, at such Seasons and Times as the said Commissioners shall direct.

Streets may be watered.

LXIV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required from Time and Time to appoint and employ any proper Person or Persons to be and act as a Scavenger or Scavengers, for cleansing the Streets, Lanes, Highways, Passages, and other public Places within the said Borough, and for carrying all Dirt, Dust, Dung, Filth, and Soil away from the same; and from Time to Time to order and direct on what Days and at what Times in every Week the particular Streets, Lanes, Highways, Passages, and other public Places within the said Borough shall be cleansed, and the Dirt, Dust, Dung, Filth, and Soil carried away therefrom; and how and in what Manner the same shall be carried away, and where the same shall be deposited; and to give such other Orders and Directions to any such Scavenger

Commissioners to appoint or contract with Scavengers.

Scavenger or Scavengers as shall appear necessary to such Commissioners; or otherwise it shall be lawful for the said Commissioners from Time to Time to contract with any Person or Persons willing to act as such Scavenger or Scavengers, for the cleansing of the said Streets, Lanes, Highways, Passages, and other public Places within the said Borough, and for carrying all Dirt, Dust, Dung, Filth, and Soil away from the same, at such Times and in such Manner as shall appear expedient to the said Commissioners.

Penalty on Scavengers not performing Contracts.

LXV. And be it further enacted, That if any Person or Persons who shall have entered into any Contract with the said Commissioners, for cleansing the Streets, Lanes, Highways, Passages and other public Places within the said Borough, or any of them, shall omit or neglect to perform, execute and fulfil the Conditions of such Contract in every respect, according to the true Intent and Meaning thereof, every such Person shall, for every such Omission or Neglect, forfeit and pay the Sum of Five Pounds, to be recovered by Information before a Justice or Justices of the Peace, in the Manner herein-after directed: Provided nevertheless, that nothing herein contained shall extend or be construed to prevent the said Commissioners from commencing and prosecuting any Action or Actions against any such Person or Persons so contracting, for any Breach of any such Contract as aforesaid, except only in regard to any specific Breach of Contract, for which the Penalty of Five Pounds herein-before given, shall have been summarily recovered by the said Commissioners in the Manner herein-after directed.

Penalty on casting Rubbish in the Streets.

LXVI. And be it further enacted, That if any Person or Persons whomsoever shall throw, cast, or lay, or cause to be thrown, cast, or laid, any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth whatsoever, into or in any Street, Lane, Highway, Passage, or other public Place within the said Borough, with the Exception of such Ashes as may be laid down upon any Foot Pavement in Time of Frost for the Prevention of Accidents, and with such further Exceptions as are herein-after specified, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings; or if any Person or Persons whomsoever shall throw or cast, or cause to be thrown or cast any such Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth, or any other Substance whatsoever, into any Common Sewer, Drain, Sink or Watercourse within the said Borough, every such Person shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalty not to extend to Rubbish occasioned by Building.

LXVII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to subject any Person whomsoever to any Penalty by this Act inflicted, for or on account of any Dirt or Rubbish being laid or placed in any such Street, Lane, Highway, Passage or public Place as aforesaid, in the Course of erecting, pulling down, altering or repairing any Building or Buildings, so as there be full and sufficient Space, in the Opinion of the said Commissioners, or of their Surveyor for the Time being, left in or at the Side of the Street, Lane, Highway, Passage or public Place, where such Dirt or Rubbish shall lie or be placed, for Carriages to pass and repass, and a sufficient Way be kept clean for Foot Passengers by the Person or Persons laying or causing such Dirt or Rubbish to be laid or placed as aforesaid; and

so

so as a sufficient Light be, at his, her or their own Expence, set and maintained at the Place where such Dirt or Rubbish shall be so laid or placed, from Sunset to Sunrise, to prevent any Accident to Passengers or Cattle; and so as such Dirt or Rubbish be inclosed and fenced about in such Manner, and within such Time, as the Surveyor of the said Commissioners shall, by any Notice to be by him given to such Person or Persons, direct and appoint; and so as such Dirt or Rubbish be removed at the Expence of the Person or Persons so laying or causing the same to be laid, within such Time as shall be expressed in any Notice to be in like Manner given by the Surveyor of the said Commissioners.

LXVIII. And be it further enacted, That no Person or Persons shall take or carry away, or cause to be taken or carried away, any Dust, Dirt, Dung, Offal, Rubbish, Ashes, or other Filth (other than such Rubbish or Dirt occasioned by Buildings as aforesaid), out of any of the said Streets, Lanes, Highways, Passages or other public Places, except the Person or Persons so to be by the said Commissioners appointed or contracted with as Scavenger or Scavengers, for the Purpose of cleansing the same, upon pain of forfeiting and paying the Sum of Twenty Shillings for every such Offence.

No Ashes, &c. to be taken from the Streets except by the Scavenger.

LXIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any Person or Persons from keeping any Dust, Dirt, Dung, Offal, Rubbish, Ashes or other Filth, which shall have arisen or been made within his, her, or their respective Houses, Buildings, Yards, or Premises, or from making use or disposing of the same for Manure or otherwise, so as the same be not suffered to remain there to become a Nuisance or Annoyance to any of the Inhabitants of the said Borough, and so as the same be not laid down or placed in any Street, Lane, Highway, Passage or other public Place within the said Borough, for any longer Time than shall be necessary for loading and carrying away the same; but in case the Person or Persons so reserving such Dirt, Dust, Dung, Offal, Rubbish, Ashes, or other Filth, shall continue to keep the same for the Space of Three Days after Complaint shall have been made and proved to the said Commissioners of the same being such Nuisance or Annoyance to any of the said Inhabitants, and after Notice in Writing given to him, her, or them by the Clerk or Surveyor of the said Commissioners to remove the same, or shall permit or suffer the same to remain in any such Street, Lane, Highway, Passage, or other public Place as aforesaid, for any longer Time than Twelve Hours before the same shall be removed and carried away, then and in either of the said Cases, every such Person so offending shall for every such Offence forfeit and pay the Sum of Twenty Shillings for every Day that such Annoyance shall be permitted to remain after the respective Times so limited as aforesaid.

Inhabitants may dispose of their own Ashes, &c.

LXX. And be it further enacted, That the said Commissioners shall or may cause to be painted, engraved, or otherwise described, and placed on a conspicuous Part of any One or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance of every Street, Lane, Passage and other public Place within the said Borough, the Name by which such Street, Lane, Passage, or public Place now is or shall be called or known; and may also cause every House and Building in the

Names of Streets, and Numbers of Houses.

said several Streets, Lanes, Passages and public Places, to be marked and numbered with Figures, either on the Door thereof, or otherwise, and in such Manner as they shall think most proper for distinguishing the same; and if any Person or Persons shall wilfully destroy, obliterate, deface, remove, or without the Consent of the said Commissioners for that Purpose first obtained, alter any such Name, Number, or Figures, or any Part thereof, or cause or procure the same to be so done, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Numbers of Houses to be renewed.

LXXI. And be it further enacted, That when any such Number or Figures painted or placed on any House or other Building within the said Borough, or on the Door thereof, shall by Accident, Decay, or otherwise be defaced or rubbed out, the Occupier or Occupiers of such House or Building shall, upon Notice in Writing being given in that Behalf, signed by the Clerk or Surveyor of the said Commissioners, cause the same Number or Figures to be painted or placed on such House or other Building, or on the Door thereof, within Ten Days after such Notice; and in case of Neglect or Refusal to comply with such Order, every such Occupier shall forfeit and pay for every such Offence the Sum of Twenty Shillings.

Regulation as to Fronts of Houses.

LXXII. And be it further enacted, That all Houses and Buildings in any of the Streets, Lanes, Passages or other public Places within the said Borough, which shall hereafter be erected, new fronted or rebuilt, shall be made to rise perpendicularly from the Foundation thereof, and that no Part of the Front of any ancient House or Building within any of the said Streets, Lanes, Passages or public Places which shall hereafter be new fronted, nor any Part of the Front of any new House or Building which shall hereafter be rebuilt upon the Site of any ancient House or Building, in any of the said Streets, Lanes, Passages, or public Places, shall on any Pretence whatsoever be brought forward beyond the old Foundation of any such ancient House or Building; and if any Person or Persons shall at any Time hereafter erect, new front or rebuild, or cause to be erected, new fronted or rebuilt any House or other Building in the said Streets, Lanes, Passages or other public Places, or any of them, in any other Manner than so as to rise perpendicularly from the Foundation thereof, and so that no Part of the Front thereof shall be brought forward beyond the old Foundation of any such ancient House or Building as aforesaid, then and in every such Case, such House or Building shall be deemed an Encroachment, Nuisance and Annoyance within the Intent and Meaning of this Act; and it shall be lawful for the said Commissioners to cause the same House or Building so erected, new fronted, or rebuilt, or so much of the Front thereof as shall have been so erected, new fronted, or rebuilt contrary to the Directions of this Act, to be pulled down and removed by any Person or Persons who shall be directed so to do by any Order in Writing, signed by any Five or more of the said Commissioners; and the Costs and Charges of pulling down and removing the same shall be paid and reimbursed to the said Commissioners, by the Owner or Owners of such House or Building; and in default of Payment thereof, within Fourteen Days next after Demand in Writing made in that behalf by the Clerk of the said Commissioners, the same having been ascertained by some Justice or Justices

of

of the Peace, shall and may be recovered in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered; and when so recovered, the same shall be paid to the Treasurer of the said Commissioners, to be applied to the general Purposes of this Act.

LXXIII. And be it further enacted, That whenever any House or other Building, standing in any Street, Lane, Highway, Passage, or other public Place within the said Borough, shall be taken down for the Purpose of other Buildings being erected on the Site thereof, it shall be lawful for the said Commissioners, by Notice in Writing signed by any Five or more of them, to require the Owner or Owners of such House or other Building, on the Erection of any such new Buildings as aforesaid, to cause the Front thereof to be set back in Manner following; *viz.*, in all cases where the Premises shall be situate in any of the several Streets or Lanes, respectively known by the several Names of *Bridge Street, Church Lane, and Friars Lane*, to such Distance as to the said Commissioners shall seem proper, and in all Cases where the Premises shall be situate in any other Street, Lane, Passage, or public Place within the said Borough, to such Distance as shall be requisite to make the Front of such new Buildings range with the general Line of the Street, Lane, Passage, or public Place wherein the same shall be situate; and to give such Directions in that behalf as the said Commissioners shall think fit; and if any House or other Building shall be afterwards built or erected on the Site of the House or Building which shall have been so pulled down, contrary to the Tenor of such Notice and Directions, the same shall be deemed an Encroachment, Nuisance and Annoyance within the Intent and Meaning of this Act; and it shall be lawful for the said Commissioners to cause the same to be taken down and removed by such Person or Persons, and in such Manner as the said Commissioners shall direct, by any Order in Writing signed by any Five or more of the said Commissioners; and the Costs and Charges of taking down and removing the same shall be paid and reimbursed to the said Commissioners by the Owner or Owners of such House or other Building; and in default of Payment thereof within Fourteen Days next after Demand in Writing made in that behalf by the Clerk of the said Commissioners, the same having been ascertained by some Justice or Justices of the Peace, shall and may be recovered in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered; and when so recovered, the same shall be paid to the Treasurer of the said Commissioners, to be applied to the general Purposes of this Act: Provided always nevertheless, that full Recompence and Satisfaction shall, in all such Cases, be made to the Owner or Owners of the Premises for any Loss or Damage which he, she, or they shall sustain by the setting back of such House or other Building; and in case such Owner or Owners and the said Commissioners cannot agree as to the Amount of the Recompence and Satisfaction to be paid in such respect, then the same shall be assessed and awarded by the Inquisition of a Jury, to be had for that Purpose, in like Manner and subject to the same Provisions as are herein-before directed in regard to other Inquisitions of Juries, to be had touching other Compensations to be made by the said Commissioners.

LXXIV. And be it further enacted, That the several and respective Occupiers of the Houses and other Buildings situate in the several Streets, Lanes, Direction for Removal of Signs, &c.

Lanes, Passages, and other public Places within the said Borough and every of them, are hereby authorized and required, at their own respective Costs and Charges, within Thirty Days next after their respectively receiving Notice in Writing from the said Commissioners in that behalf, signed by any Five or more of the said Commissioners, to cause all Signs, Sign Irons, Sign Posts, Barbers Poles, Stalls, Blocks, Bulks, Show Boards, Butchers Hooks, Spouts and Water Pipes, which now are or hereafter shall be anywise affixed or set up against or in front of their respective Houses or other Buildings, and which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances, by reason of their projecting into, or encroaching upon, or otherwise annoying or endangering the public Passage along any of the Streets, Lanes, or other public Places within the said Borough, to be taken down, removed and carried away, or otherwise altered or reformed, and to cause the Water from the Roofs, Cornices and Penthouses of their respective Houses or other Buildings to be carried down by proper and sufficient Pipes, to be fixed to and down the Sides of the same Houses or Buildings in such Manner as shall be directed by the said Commissioners; and in case the Occupier of any such House or other Building as aforesaid, shall neglect or refuse to cause any such Sign, Sign Iron, Sign Post, Barber's Pole, Stall, Block, Bulk, Show Board, Butcher's Hook, Spout, or Water Pipe, which shall be so considered an Annoyance as aforesaid, to be taken down, removed and carried away, or otherwise altered or reformed, or to cause the Water to be carried down from the Roof, Cornice, or Penthouse of any such House or other Building as aforesaid, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case, it shall be lawful for the said Commissioners to cause the same to be forthwith done by their Surveyor, or any other Person or Persons acting under their Authority; and the Costs and Charges attending the same having been ascertained by some Justice or Justices of the Peace, shall and may be recovered from the Occupier of such House or Building, in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered; and when so recovered, the same shall be paid to the Treasurer of the said Commissioners, to be applied to the general Purposes of this Act; and it shall be lawful for the Occupier of any such House or other Building, being a Tenant at Rack Rent, and having either paid such Costs and Charges in the first Instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his or her Rent; and the Proprietor or Landlord of every such House or other Building so held at Rack Rent is hereby required to allow the same accordingly; except only in Cases where the Encroachment, Obstruction, or Annoyance so removed or altered, shall have been originally occasioned by such Occupier, in which Case he or she shall bear the Expence of altering or removing the same.

For Removal
of existing
Projections.

LXXV. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, to cause all and every or any of the Penthouses, Porches, Sheds, projecting Windows, Palisades, Rails, Posts, Steps, Cellar Windows, Cellar Doors, Hatchways, and other Obstructions and Projections whatsoever, not herein-before particularly specified, which at the Time of passing this Act are already erected, affixed,

set up or laid down against or in front of any Houses or other Buildings whatsoever, in any of the Streets, Lanes, Passages, or other public Places within the said Borough, and which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances, by reason of their projecting into or encroaching upon or otherwise annoying or endangering the public Passage along any of the aforesaid Streets, Lanes, Passages or other public Places, to be taken down, filled up, removed and carried away, or otherwise altered or reformed by the Surveyor of the said Commissioners, or any other Person or Persons acting under their Authority, in such Manner as shall be thought most proper and expedient by the said Commissioners; they the said Commissioners, nevertheless, first causing Thirty Days Notice in Writing, under the Hands of Five or more of the said Commissioners, to be given to the respective Owners and Occupiers of such Houses or other Buildings, of their Intention to take down, fill up, remove, alter, or reform such Obstructions or Projections respectively, and causing as little Damage to be done in the effecting of every such Removal or Alteration as aforesaid as the Nature of the Case will allow, and also defraying the whole Costs and Charges of executing the same.

LXXVI. And be it further enacted, That the several Occupiers of the Houses and other Buildings situate in the several Streets, Lanes, Passages, and other public Places within the said Borough, and every of them, are hereby authorized and required, at their own respective Costs and Charges, within Thirty Days next after their respectively receiving Notice in Writing from the said Commissioners in that Behalf, signed by any Five or more of the said Commissioners, to cause all and every the Penthouses, Porches, Sheds, projecting Windows, Palisades, Rails, Posts, Steps, Cellar Windows, Cellar Doors, Hatchways and other Obstructions and Projections whatsoever, not herein-before particularly specified, which shall in future be erected, set up, affixed, or laid down against or in front of their respective Houses or other Buildings, and which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances, by reason of their projecting into, or encroaching upon, or otherwise annoying or endangering the public Passage along any of the Streets, Lanes, or other public Places within the said Borough, to be taken down, filled up, removed and carried away, or otherwise altered or reformed, in such Manner as shall be directed by the said Commissioners; and in case the Occupier of any such House or other Building as aforesaid, shall neglect or refuse to cause any such Penthouse, Porch, Shed, projecting Window, Palisado, Rail, Post, Step, Cellar Window, Cellar Door, Hatchway, or other Obstruction or Projection whatsoever, not herein-before particularly specified, which shall in future be so erected, set up, affixed or laid down against or in front of his or her House or other Building, and which shall be so considered an Annoyance or Nuisance as aforesaid, to be taken down, filled up, removed and carried away, or otherwise altered or reformed within such Time and in such Manner as in such Notice shall be directed, then, and in every such Case, it shall be lawful for the said Commissioners to cause the same to be forthwith done by their Surveyor, or any other Person or Persons acting under their Authority; and the Costs and Charges attending the same, having been ascertained by some Justice or Justices of the Peace, shall and may be recovered from the Occupier of such House or Building,

For Removal
of future
Projections.

in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered; and when so recovered, the same shall be paid to the Treasurer of the said Commissioners, to be applied to the general Purposes of this Act; and it shall be lawful for the Occupier of any such House or other Building, being a Tenant at Rack-Rent, and having either paid such Costs and Charges in the first Instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his or her Rent; and the Proprietor or Landlord of every such House or other Building so held at Rack Rent is hereby required to allow the same accordingly, except only in Cases where the Encroachment, Obstruction, Annoyance, or Nuisance so removed or altered shall have been originally occasioned by such Occupier, in which Case he or she shall bear the Expence of altering or removing the same.

Cellar Windows and Grates to be secured.

LXXVII. And be it further enacted, That if any Cellar Door, Trap Door, Hatchway, or Flap Window leading into, or giving Light or Air to, or placed over any Cellar, Vault, or Office under Ground within the said Borough, shall at any Time be left open in the Evening or in the Night, or shall not be effectually and substantially secured so as to prevent Accidents; or if any Grate placed over any opening in the Pavement, and used for putting Coals or other Articles into any Cellar, or other Place under Ground, or for any other Purpose, shall at any Hour of the Day or Night be left open, or shall not be well and effectually fastened down and secured, so as to prevent Accidents, then and in each and every of the said Cases, the Occupier or Occupiers of such Cellar, Vault, Office, or other Place under Ground as aforesaid shall for every such Offence forfeit and pay the Sum of Forty Shillings.

Doors and Gates to open inwards.

LXXVIII. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, Gardens and Lands within the said Borough, and every of them, are hereby respectively authorized and required, at their own Costs and Charges, from Time to Time, within Fourteen Days next after their respectively receiving Notice in Writing from the said Commissioners in that Behalf, signed by the Clerk or Surveyor of the said Commissioners, to cause all the Doors and Gates leading into the several Houses, Buildings, Yards, Gardens and Lands in their respective Occupations (and not being Cellar Doors or Trap Doors) which now do or shall hereafter open outwards and into any of the Streets, Lanes, Highways, Passages, or other public Places within the said Borough to be altered, so as that the same Doors or Gates shall thenceforward open inwards and into their said respective Premises; and if any such Occupier of any of the aforesaid Premises shall neglect or refuse to make the Alteration required by the said Commissioners in any such Door or Gate within the Period specified by such Notice, such Occupier making default therein shall forfeit and pay the Sum of Five Shillings a Day for every Day during which any such Door or Gate shall be suffered to remain opening outwards after the Expiration of the Time specified in such Notice: Provided nevertheless, that where the Occupier of any such House, Building, Yard, Garden, or Land shall cause any such Door or Gate to be duly altered in pursuance of such Notice as aforesaid, it shall be lawful for him or her, if a Tenant at Rack Rent, to deduct and retain out of his or her Rent, the reasonable Charges of altering the same; and the Proprietor or Landlord of the Premises is, in every such

Case, hereby required to allow the same accordingly: And provided also, that it shall be lawful for the said Commissioners to allow to such Occupier or such Proprietor, all or any Part of the Expence of making any such Alteration, if the said Commissioners shall consider it reasonable so to do.

LXXIX. And for the greater Safety of the Inhabitants of the said Borough from Dangers by Fire, be it further enacted, That no Person or Persons whomsoever shall at any Time hereafter cover any House or other Building within the said Borough, either wholly or in Part, with any Straw or Thatch, nor shall renew or repair the covering of any such House or other Building, either wholly or in Part, with any Straw or Thatch, nor shall cause or procure any such House or Building to be so covered, or the Covering of any such House or Building to be renewed or repaired with such Materials, under pain of forfeiting and paying for every such Offence the Sum of Five Pounds; and it shall also be lawful for the said Commissioners to order and cause any Straw or Thatch which shall be placed on any House or other Building within the said Borough contrary to the Provision aforesaid, to be taken down and removed at such Time and in such Manner as to them shall seem meet; and the same shall and may accordingly be taken down and removed by any Person or Persons authorized or employed by the said Commissioners or their Surveyor for such Purpose, without any previous Notice given to the Owner or Occupier of such House or other Building, and without such Person or Persons so authorized or employed being deemed a Trespasser or Trespassers, or being liable to any Action, Indictment, or other Proceeding at Law, for or by reason of taking down or removing the same.

No Buildings to be covered with Thatch.

LXXX. And be it further enacted, That if any Slaughter-house, Swine-sty, Necessary-house, Dunghill or Sewer, or any Dung, Carrion, Offal, Blood, Soil, Filth, or Rubbish, or any other noisome Matter whatsoever, in or near any of the Streets, Lanes, Passages, or other public Places within the said Borough, shall be considered by any of the Inhabitants of the said Borough as a Nuisance or Annoyance, it shall be lawful for the said Commissioners, from Time to Time, upon Complaint thereof being made to them by any such Inhabitant or Inhabitants, to inquire into the Matter complained of, and if they shall deem the same to be a Nuisance or Annoyance, then they are hereby empowered and required, by Notice in Writing under the Hands of any Five or more of them, to order such Nuisance or Annoyance to be removed by the Person or Persons causing or occasioning the same, within such Time as shall be specified in such Notice; and in case the same shall not be removed according to such Notice, the Person or Persons who shall be so ordered to remove the same, and shall neglect so to do, shall forfeit and pay the Sum of Ten Shillings a Day for every Day the same shall continue unre-moved, after the Expiration of the Time specified in such Notice.

For Removal of Slaughter-houses, &c.

LXXXI. And be it further enacted, That if any Person or Persons whomsoever shall injure, damage, or deface the Market Cross of the said Borough, or the Steps belonging thereto, or any Wall, Pillar, Door, Window, or other external Part of the Guildhall of the said Borough, or of any Church, Chapel, public School, or other public Building whatsoever

Penalty on defacing public Buildings.

whatsoever within the said Borough, or any Wall, Pillar, or Gate belonging to any Churchyard or Burial Ground within the said Borough, or any Tomb, Monumental Stone, or Inscription in any such Churchyard or Burial Ground as aforesaid, or shall fix up any Bills or Papers (other than such Notices as may be directed by Parliament or other competent Authority), against any of the aforesaid Edifices, or any of the Walls or Doors thereof, or shall write with Chalk or any other Matter thereupon, or shall play at Ball or Fives upon or against the same, or shall deposit any Filth, or commit any Nuisance upon, in, about, or against any of the aforesaid Edifices, or the Walls, Doors, or Steps thereof, or in or about any such Churchyard or Burial Ground as aforesaid, then and in any of the said Cases, every Person so offending shall forfeit and pay for every such Offence the Sum of Forty Shillings.

For preventing
Damage
to the Town
Walks.

LXXXII. And be it further enacted, That if any Person or Persons whomsoever, shall wilfully throw down, break, destroy, damage, deface, spoil, injure, remove, or take away any of the Gates, Pillars, Palisades, Posts, Chains, Locks, Rails, Pales, Walls, Hedges, Fences, Steps, Rollers, Seats, Trees, Shrubs, or other Matters or Things whatsoever; which are or shall be upon or about any of the public Walks made for the Accommodation of the Inhabitants of the said Borough, and denominated the Town Walks, or in any of the Avenues or Approaches thereto; or shall wilfully commit any other Spoil, Waste, Damage, Depredation, Annoyance, or Nuisance, in, to, upon, or about any of the Foot Paths, Grass Plots, or Shrubberies of the said Town Walks, or the Avenues or Approaches thereto; or shall drive, lead, ride, or turn any Horse, Ass, Mule, Swine, or any other Beast or Cattle into any of the said Town Walks; or shall bathe in any Part of the *Newcastle-under-Lyme* Junction Canal within the Distance of Three hundred Yards from any of the said Town Walks, then, and in every such Case, every Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds.

For impounding
Cattle
suffered to
stray.

LXXXIII. And be it further enacted, That if any Horse, Ass, Mule, Swine, or other Beast or Cattle, shall be found straying in any of the Streets, Lanes, Passages, or other public Places within the said Borough, or in any of the said Town Walks before mentioned, the Owner or Owners thereof shall for every such Beast or Head of Cattle, forfeit and pay the Sum of Five Shillings; and it shall be lawful for any Officer or Officers appointed by the said Commissioners to impound any such Beast or Cattle found straying as aforesaid, in the Common Pound of the said Borough, or in such other Place as shall be appointed from Time to Time for that Purpose by the said Commissioners, and to detain the same in such Pound or other Place as aforesaid, until the said Penalty and the Expence of impounding and keeping the same in Pound shall be fully paid and satisfied; and if in any such Case, the said Penalty and Expences shall not be paid within Three Days after such Beast or Cattle shall be so impounded, it shall be lawful for any Person or Persons, who shall be appointed by the said Commissioners for that Purpose, to cause the same to be sold, after giving One Day's Notice of such intended Sale, by Proclamation of the Town Crier; and the Costs and Charges of impounding and keeping such Beast or Cattle in Pound and of selling the same, and the said Penalty, shall be defrayed by such Sale; and the

Overplus

Overplus (if any) of the Monies arising by such Sale shall be paid to the Owner or Owners of the said Beast or Cattle upon Demand: Provided always, that whether such Beast or Cattle so found straying shall be impounded as aforesaid or otherwise, the Owner or Owners thereof shall nevertheless forfeit and pay for every such Beast or Head of Cattle so found straying as aforesaid the said Sum of Five Shillings.

LXXXIV. And be it further enacted, That if any Person or Persons shall hereafter empty, or cause to be emptied, any Privy or Necessary-house within the said Borough, or carry, or cause to be carried, any of the Soil thereof through any of the Streets, Lanes, Passages or other public Places within the said Borough, at any Time of the Year between *Lady-day* and *Michaelmas*, except between the Hours of Ten of the Clock in the Evening and Six of the Clock in the Morning, or at any Time of the Year between *Michaelmas* and *Lady-day*, except between the Hours of Eight of the Clock in the Evening and Eight of the Clock in the Morning, or shall at any Time whatsoever lay or cast, or cause to be laid or cast, any of the Soil from any Privy or Necessary-house, or any Night Soil, in or near any of the said Streets, Lanes, Passages, or other public Places, every Person offending in any of the Cases aforesaid, shall for every such Offence forfeit and pay the Sum of Forty Shillings.

Regulation as to Privies.

LXXXV. And be it further enacted, That if the Driver of any Waggon, Cart, Dray, Sledge, or other Carriage of the like Description shall ride upon the Shafts, or upon any other Part of such Carriage, or drive the same faster than a Walk in any of the said Streets, Lanes, Highways, Passages, or other public Places within the said Borough, (such Carriage not being conducted by any Person holding the Reins); or if the Driver of any such Carriage shall be at such a Distance from the same, during its Passage through any Part of the said Borough as not to possess the complete Direction over the Horses drawing the same; or if the Driver of any Carriage whatsoever shall drive the same furiously in any such Street, Lane, Highway, Passage, or public Place, or shall by Negligence or wilful Misbehaviour hinder or interrupt the free Passage of any other Carriage or any Passenger along the same; or if the Driver of any empty or unloaded Waggon, Cart, or other like Carriage, shall refuse or neglect to turn aside and make way for any Coach, Chaise, or loaded Carriage of any other Description; or if any Person shall hale or draw, or cause to be haled or drawn, upon any Part of the said Streets, Lanes, Highways, Passages, or other public Places, any Tree or Piece of Timber, or any Stone, otherwise than upon a Wheel Carriage, or shall suffer any Part of any Tree, or other Piece of Timber to drag upon any Part of the said Streets, Lanes, Passages, or other public Places; then, and in every such Case, such Driver so offending shall for every such Offence forfeit and pay the Sum of Twenty Shillings; and every such Driver offending in any of the said Cases shall and may, by the Authority of this Act, with or without Warrant, be apprehended by any Person or Persons who shall see such Offence committed; and it shall be lawful for the Person or Persons so apprehending such Driver to cause him to be conveyed or delivered to a Peace-Officer, in order to be brought before some Justice of the Peace for the said Borough, or for the said County of *Stafford*, to be dealt with according to Law; and if any such Driver, in any of the Cases aforesaid,

For punishing Misbehaviour in Drivers of Carriages.

[Local.]

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shall

shall refuse to disclose his Name, the necessary Proceedings may be had against him before such Justice for the said Penalty by a Description of his Person and the Offence committed, without there being any Necessity for stating his Name.

Penalties for
Obstructions
in the Streets.

LXXXVI. And be it further enacted, That if any Waggon, Cart, Dray, or other Carriage of like Description shall be left or suffered to stand or continue, with or without Horses, in any of the Streets, Lanes, Passages, or other public Places within the said Borough, except whilst the same shall be actually loading or unloading, or in case the same shall not during such Time be placed so as to interrupt the public Passage as little as possible; or if any Coach, Chaise, or other Carriage of like Description shall be left, or suffered to stand or continue, with or without Horses, for any longer Space of Time than One Hour, in any of the said Streets, Lanes, Passages, or other public Places; or if any Timber, Iron, Bricks, Stones, Slates, Tiles, Lime, Mortar, Hay, Straw, Coals, Boards, Casks, Tubs, Barrels, Goods, Wares, Merchandizes, Materials, or other Articles, Matters, or Things whatsoever shall be laid, placed, or left to remain in any such Street, Lane, Passage, or other public Place, longer than shall be necessary for removing and housing the same; then and in every such Case the Owner or Owners of every such Waggon, Cart, Dray, Coach, Chaise, or other Carriage, or of any such Timber, Iron, Bricks, Stones, Slates, Tiles, Lime, Mortar, Hay, Straw, Coals, Boards, Casks, Tubs, Barrels, Goods, Wares, Merchandizes, Materials, Articles, Matters, or Things, which shall be so left or suffered to remain in any of the said Streets, Lanes, Passages, or public Places as aforesaid, shall, for every Offence in any of the aforesaid Particulars, forfeit and pay the Sum of Twenty Shillings; and it shall be lawful for the Surveyor, or any other Officer of the said Commissioners, or for any other Person or Persons acting under their Authority, without the Presence of any Peace Officer or other Warrant, to seize or cause to be seized any such Waggon, Cart, Dray, Coach, Chaise, or other Carriage, so placed or suffered to stand or continue, contrary to the Intent of this Act, together with any Horse or Horses which may be thereunto affixed, or the Timber, Iron, Bricks, Stones, Slates, Tiles, Lime, Mortar, Hay, Straw, Coals, Boards, Casks, Tubs, Barrels, Goods, Wares, Merchandizes, Materials, or other Articles, Matters, or Things so left and suffered to remain as aforesaid, and to remove the same, or cause the same to be removed to the Common Pound of the said Borough, or to any other Place within the said Borough which shall be appointed for that Purpose by the said Commissioners, there to be kept and detained until the said Penalty shall be paid; and in case such Penalty and Charges shall not be paid within the Space of Four Days next after such Seizure, it shall and may be lawful for the said Commissioners to cause the same Articles to be sold for defraying the Penalty and Charges, and the Overplus (if any) of the Money arising from such Sale, after deducting the said Penalty and Charges, shall be returned upon Demand to the Owner or Owners of the aforesaid Articles.

Regulation as
to the laying
of Materials
for building.

LXXXVII. Provided always, and be it further enacted, That nothing herein contained shall extend to subject any Person whomsoever to any Penalty by virtue of this Act, for or on account of any Timber, Iron, Bricks, Stones, Slates, Tiles, Lime, Mortar, or other Materials for

building

building being laid or placed in any such Street, Lane, Passage, or other public Place as aforesaid, in the Course of erecting, pulling down, altering or repairing any Building or Buildings; so as there be full and sufficient Space, in the Opinion of the said Commissioners, or of their Surveyor for the Time being, left in or at the Side of the Street, Lane, Passage, or public Place, where such Timber, Iron, Bricks, Stones, Slates, Tiles, Lime, Mortar, or other Materials for building shall lie or be placed, for Carriages to pass and repass, and a sufficient Way kept clean for Foot Passengers, by the Person or Persons laying or causing such Materials for building to be laid or placed as aforesaid; and so as a sufficient Light be, at his, her, or their own Expence, set and maintained at the Place where such Materials for building shall be so laid or placed, from Sunset to Sunrise, to prevent any Accident to Passengers or Cattle; and so as such Materials for building be inclosed and fenced about, in such Manner and within such Time as the Surveyor of the said Commissioners shall by any Notice to be by him given to such Person or Persons, direct and appoint; and so as such Materials for building be removed at the Expence of the Person or Persons so laying or causing the same to be laid, within such Time as shall be expressed in any Notice to be in like Manner given by the Surveyor of the said Commissioners.

LXXXVIII. Provided also, and be it further enacted, That nothing herein contained shall extend to subject any Person whomsoever to any Penalty by virtue of this Act, for placing, setting, or exposing to Sale any Provisions, Goods, Wares, Merchandizes, or other Articles or Things whatsoever, in any such Parts of the several Streets, Lanes, Passages, and other public Places within the said Borough as shall from Time to Time be appointed and fixed upon by the Mayor of the said Borough for the Time being, for the Purpose of placing, setting, and exposing to Sale such Goods, Wares, Merchandizes, and other Articles, at the Times of the usual Fairs and Markets held within the said Borough; nor for placing, setting, or exposing to Sale any Provisions whatsoever, at any other Time or Times, in any such public Places within the said Borough as the Mayor of the said Borough shall from Time to Time direct; nor for setting up any Stallages or Standings, whereupon any of the said Articles may be exposed to Sale; nor for placing any Waggon, Cart, or other Carriage in which any such Provisions, Goods, Wares, or Merchandizes, shall have been brought for Sale as aforesaid, in any such public Places within the said Borough, as shall be appointed in that Behalf by the Mayor of the said Borough for the Time being; due Care nevertheless being taken, in all the aforesaid Cases, to impede as little as possible the public Passage within the said Borough.

Regulation as to the exposing of Provisions to Sale.

LXXXIX. And be it further enacted, That if any Person or Persons whomsoever shall run, draw, or drive any Truck, Wheel, Sledge, Wheelbarrow, Handbarrow, or Carriage whatsoever, on any of the Foot Pavements, or other Footways in any of the Streets, Lanes, Highways, Passages, or other public Places within the said Borough, except only for the Purpose of crossing the same; or shall roll any Cask thereon, except for the Purpose of crossing the same as aforesaid; or shall drag any Timber or Log of Wood along or upon the same; or shall wilfully ride, lead, or drive

Penalties for Protection of Footways.

drive any Horse, Mule, Ass, Swine, or other Cattle upon any Part of the said Footways; or shall leave any Horse or other Beast, either tied or untied, at any House or Door, so as to obstruct any of the said Footways; or shall set, place, hang up, or otherwise expose to Sale the Carcase of any Beast, or any Part or Parts thereof, or any Goods, Wares, or Merchandizes, or any other Matter or Thing, so as to obstruct or incommode the public Passage over any of the said Footways; then, and in every such Case, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Penalties on
undry
Nuisances.

XC. And be it further enacted, That if any Person or Persons whomsoever shall slaughter, singe, scald, or dress any Ox, Cow, Calf, Sheep, Lamb, Swine, or other Cattle in any of the Streets, Lanes, Passages, or other public Places within the said Borough; or shall cause or permit any Offal, Blood, Filth, or noisome Matter to run or drain from any Slaughter-house, Shambles, Butcher's Shop, Swine-sty, or Dunghill, into any of the said Streets, Lanes, Passages, or other public Places; or shall hoop, fire, scald, or cleanse any Cask or Tub therein; or shall empty any of the Contents of any Cask or Tub therein; or shall burn, dress, sweep, or cleanse any Piece or Pieces of Cork therein; or shall hew, saw, cut or bore, or cause to be hewn, sawn, cut or bored therein, any Stone or Timber; or shall make or repair any Coach, Chaise, Waggon, Cart, Dray, Sledge, Wheelbarrow, or other Carriage, or any Wheel or other Part of any such Carriage in any of the said Streets, Lanes, Passages, or public Places, save and except such Carriages as may want repairing from the happening of any sudden Accident therein; or shall shoe, dress, bleed, or farrier any Horse or other Beast, or Cattle therein, except in case of any such sudden Accident as aforesaid; or shall wantonly discharge any Gun, Pistol, or other Fire-arms therein; or shall make or assist in making any Bonfire therein; or shall set fire to, let off, or throw any Squib, Serpent, Rocket, Cracker, or other Fireworks whatsoever, or play at Football, or any other Game or Games whatsoever, to the Annoyance of any Passenger or Passengers, in any Place within the said Borough; or shall cause any Bull, Bear, or other Animal to be baited with Dogs within the said Borough; or shall permit or suffer any Bulldog or Mastiff, or any ferocious Dog of any other Species, to go at large, not being muzzled, within the said Borough; or shall permit or suffer any Dog whatsoever to go at large within the said Borough, after any Proclamation made by the Town Crier, by the Order of the Mayor of the said Borough, during such Time as such Proclamation shall direct Dogs to be confined on account of any Suspicion of the Existence of Canine Madness; or shall shew or expose any Stallion in or near any public Place within the said Borough, except in such Place or Places as shall happen to be appointed for that Purpose by the Mayor of the said Borough for the Time being; or shall throw or cast any Animal or Carcase, or other Offal or Filth into the Mill Pool of *Newcastle-under-Lyme* aforesaid, or into any public or private Well, Pump, Canal, Pool, or Reservoir for Water within the said Borough; or shall commit any other public Nuisance or Annoyance whatsoever within the said Borough; then, and in every such Case, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

XCI. And

XCI. And be it further enacted, That the several public Markets which have been usually holden within the said Borough on *Monday* and *Saturday* in every Week, and also the several Fairs which have been usually holden within the said Borough, shall continue to be, and shall and may be lawfully holden and kept upon the several Days whereupon the same and every of them are now usually holden and kept, under and subject nevertheless to such Rules as are herein-after contained and authorized to be made.

Markets and Fairs to be held as usual.

XCII. And for avoiding the Inconveniences and Obstructions to which the Markets and Fairs within the said Borough are now subject, and for preventing Accidents and Injuries to the Persons resorting to the same; be it further enacted, That it shall be lawful for the Mayor of the said Borough for the Time being, as the Clerk of the Markets within the said Borough, from Time to Time to make and establish such Bye-laws, Rules, Orders, and Regulations, as to the said Mayor for the Time being shall seem meet, as well for preventing Horses and Carriages from passing through the several Market Places within the said Borough, and the Approaches to the same, during the Time of the said several Markets and Fairs, as for fixing and appointing proper Places for the loading and unloading of Waggons, Carts, and other Carriages, and for the standing of such Waggons, Carts, and Carriages after being unladen at the said Markets and Fairs; and for fixing, appointing, and determining by what Streets, Avenues, or Ways such loaded and unloaded Waggons, Carts, and Carriages shall pass into, through, and out of the said Borough, during the Time of the said Markets and Fairs, and what particular Streets or Places shall be used for the Exhibition of Neat Cattle, Horses, Sheep, Pigs, and other Animals brought or exposed for Sale at the said Markets and Fairs, and whether such Animals or any of them, shall be kept confined within any Pens or otherwise, and what specific Market Places within the said Borough shall be used for the exposing to Sale of the different Kinds of Provisions, Wares, Merchandizes and Goods brought for Sale to the said Markets and Fairs; and also for regulating the setting out, and fixing up, and Removal of the Sheds, Stalls, Standings, Blocks, Trestles, and other Articles used to place such Provisions, Wares, Merchandizes and Goods upon during the Time of the said Markets and Fairs; and also for inspecting the Sorts and Quality of all Flesh Meat brought to the said Markets and Fairs; and for weighing and ascertaining the Weight and Measure of all Provisions, and other Articles sold by Weight or Measure in the said Markets or Fairs; and for ascertaining whether the Steelyards, Scales, Weights and Measures used in the said Markets and Fairs are just and true; and for seizing and destroying publicly all Flesh Meat of unsound or unwholesome Quality, and all false or deficient Steelyards, Scales, Weights and Measures, that shall be found in the said Markets or Fairs; and all such other Bye-laws, Rules, Orders and Regulations for the good Order and Government of the said several Markets and Fairs to be held within the said Borough, and of the several Persons resorting thereto, as to the said Mayor for the Time being in his Judgment and Discretion shall seem proper and expedient, for the common Benefit of the said Borough, and the Persons resorting to the Markets and Fairs thereof; and that it shall be lawful for the Mayor of the said Borough for the Time being, to annul, alter, or vary such Bye-laws, Rules, Orders and Regulations, or any of them, as shall be found expedient;

Powers for regulating Markets, &c.

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dient; and likewise to fix, impose, and lay such reasonable Penalties, Fines, and Forfeitures, not exceeding the Sum of Forty Shillings for each Non-observance or other Breach of such Bye-laws, Rules, Orders, and Regulations, or any of them, as to such Mayor for the Time being shall appear necessary and expedient; and all such Bye-laws, Rules, Orders and Regulations, being published as herein-after mentioned, shall be good and binding upon and observed by all Persons, and shall be sufficient in any Court of Law or Equity, to justify any Person who shall act under or in pursuance of the same; and all such Penalties, Fines and Forfeitures shall be recoverable and payable in the same Manner as is herein-after directed concerning other Penalties to be incurred by virtue of this Act: Provided nevertheless, that such Bye-laws, Rules, Orders and Regulations be not inconsistent with the Provisions of this Act, or repugnant to the Laws of that Part of the United Kingdom called *England*; and provided also, that no such Bye-law, Rule, Order or Regulation, or any Alteration or Amendment thereof, shall have any Force or Effect until the same shall have been signed by the Mayor of the said Borough, and until written or printed Copies thereof shall have been affixed upon the outer Door of the Guildhall, and also upon the Market Cross of the said Borough; and all such Bye-laws, Rules, Orders and Regulations, having been published in the Manner aforesaid, shall be valid and in force until the same shall be annulled, altered, or varied by the Mayor of the said Borough for the Time being; but nevertheless, all such Bye-laws, Rules, Orders and Regulations shall be subject to Appeal in the Manner herein-after directed.

Penalty on
obstructing
Officers in
Markets, &c.

XCIII. And be it further enacted, That if any Person shall assault, hinder, or obstruct any Officer or Person appointed or employed by the Mayor of the said Borough for the Time being, to carry into effect any Bye-law, Rule, Order or Regulation, made under the Provisions of this Act, in respect to the good Order and Government of the Markets and Fairs therein; or shall assault, hinder, or obstruct any Person or Persons authorized or appointed by the Mayor, Bailiffs and Burgeses of the said Borough, to receive or collect the lawful Tolls and Duties usually paid and payable in the aforesaid Markets and Fairs; or if any Person shall wilfully destroy, deface, injure, remove, pull down, or take away any Building, Shambles, Wall, Fence, Post, Rail or Chain, or any Shed, Stall, Standing, Block, Trestle, Hurdle, Pen, or other Erection, set up or to be set up by the Authority of the Mayor of the said Borough for the Time being, for the Use, Purpose, or Convenience of the said Markets and Fairs, or any Board, Notice, or Inscription to be affixed by the like Authority in or near the Places of holding the said Markets and Fairs, every Person offending in any of the Cases aforesaid shall forfeit and pay the Sum of Forty Shillings for every such Offence, to be recoverable and payable in the same Manner as is herein-after directed concerning other Penalties to be incurred by virtue of this Act.

Power to lay
a public
Lighting
Rate.

XCIV. And for raising Money to defray the Expences of lighting the Streets, Lanes, Passages and other public Places within the said Borough; be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered from Time to Time, when and so often as they shall think it necessary, to order and direct a just and equal Pound Rate or Assessment to be made, or charged and levied

levied under the Name and by the Description of "The Public Lighting Rate," upon all and every the Persons who for the Time being shall inhabit, use, or occupy any Houses, Shops, Warehouses, Manufactories, or other Buildings, or any Yards, Gardens, Orchards, or Wharfs within the said Borough; and all such Rates and Assessments shall from Time to Time be made upon and according to the improved Annual Value of the said Houses, Shops, Warehouses, Manufactories, and other Buildings, Yards, Gardens, Orchards and Wharfs: Provided nevertheless, that such Public Lighting Rates shall not exceed in the whole, in any one Year, Sixpence in the Pound upon such improved Annual Value.

XCV. And for raising Money to defray the other Expences of executing this Act, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered from Time to Time, when and so often as they shall think it necessary, to order and direct another just and equal Pound Rate or Assessment to be made, or charged and levied under the Name and by the Description of "The Public Improvement Rate," upon all and every the Persons who for the Time being shall inhabit, use, or occupy any Houses, Shops, Warehouses, Manufactories, or other Buildings, or any Yards, Gardens, Orchards or Wharfs within the said Borough; and all such Rates and Assessments shall from Time to Time be made upon and according to the improved Annual Value of the said Houses, Shops, Warehouses, Manufactories, and other Buildings, Yards, Gardens, Orchards, and Wharfs: Provided nevertheless, that such public Improvement Rates shall not exceed in the whole in any one Year One Shilling in the Pound upon such improved Annual Value.

Power to lay a public Improvement Rate.

XCVI. Provided always, and be it further enacted, That no Rates or Assessments whatsoever shall be made in pursuance of this Act, upon any Person or Persons, for or in respect only of his, her, or their being the Occupier or Occupiers of any Dwelling House under the Annual Value of Five Pounds; nor upon the Inhabitants or Occupiers of the Poorhouse and Hospital of the said Borough, or any of them; nor upon any Person or Persons whomsoever, for or in respect of any Church or Chapel within the said Borough, or the Guildhall or Mayor's Office, or Common Gaol of the said Borough, or any Meeting House duly licensed for Religious Worship, or any Free School, or any Building appropriated exclusively to the gratuitous Education of the Poor; any thing hereinbefore contained to the contrary in anywise notwithstanding.

Exemptions from the Rates.

XCVII. Provided also, and be it further enacted, That where any House shall be divided into Two or more separate Tenements, Stories, or Apartments, and shall be occupied or inhabited by Two or more Persons or Families, the same shall nevertheless be subject to the Rates granted by this Act, and the Landlord or Proprietor of every such House shall be assessed to and liable to pay the said Rates, and shall for the Purposes of this Act only be deemed to be the Occupier thereof.

Mode of charging Houses let in separate Apartments.

XCVIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, by Warrant under the Hands and Seals of any Five or more of them, to nominate and appoint Two Persons, being Inhabitants of the said Borough, liable to serve Parish Offices there, and

Appointment of Assessors and Collectors.

and not being of the Number of the said Commissioners, to be Assessors for any Period not exceeding One Year from the Time of their Appointment, of the several Rates or Assessments herein-before authorized to be made; and such Persons so from Time to Time nominated and appointed Assessors, are hereby empowered and required to make and assess all such Rates or Assessments as shall be ordered and directed by the said Commissioners to be made in conformity with the Provisions aforesaid, upon all the Occupiers of Houses, Shops, Warehouses, Manufactories and other Buildings, Yards, Gardens, Orchards and Wharfs within the said Borough, who shall be liable to be rated under the Directions of this Act; such Assessors being previously sworn before the said Commissioners, or any Five or more of them (who are hereby authorized to administer the Oaths in that behalf) truly, faithfully, and impartially to make such several Rates or Assessments: Provided nevertheless, that no Rate or Assessment to be made by virtue of this Act shall be valid or of any force or effect, until the same shall be allowed, confirmed, and signed by Five or more of the said Commissioners; and after the said several Rates or Assessments shall have been so made, allowed, and confirmed as aforesaid, the same shall and may respectively be demanded, collected, and received by such Collector or Collectors as the said Commissioners, by Warrant under the Hands and Seals of any Five or more of them, shall from Time to Time nominate and appoint for that Purpose, and who are hereby respectively invested with full Power and Authority to demand, collect, and receive the same; and if any Person who shall be appointed an Assessor of the said Rates, or any of them as aforesaid, shall refuse or neglect to take upon himself the Office of Assessor for the Space of Ten Days after Notice in Writing of such Appointment (without assigning some reasonable Cause to be allowed by the said Commissioners for his Refusal,) or shall refuse to be sworn truly, faithfully, and impartially to execute such Office, every such Person so refusing or neglecting shall, for every such Refusal or Neglect, forfeit and pay the Sum of Twenty Pounds: Provided nevertheless, that no Person shall be obliged to serve the said Office of Assessor for a longer Period than One Year, nor be liable to be again appointed to such Office within the Space of Ten Years next after his having served the same, or paid the said Penalty for such Refusal or Neglect as aforesaid; and that no Person above the Age of Sixty Years, shall be compellable to serve the Office of Assessor as aforesaid.

Poor Rates
may be
inspected.

XCIX. And for affording facility to the making of the Rates and Assessments authorized by this Act to be laid and assessed; be it further enacted, That the said Commissioners shall and may cause all or any of the Books or Assessments of Rates, made and to be made towards the Relief of the Poor within the said Borough, to be brought before them without Fee or Reward, and shall and may cause Copies to be made and taken of such Books or Assessments, or any Part or Parts thereof; and if any Person in whose Custody or Power any of the said Books or Assessments shall be, shall, after receiving Notice signed by the Clerk of the said Commissioners for the Purpose, refuse to permit or suffer Copies thereof to be taken by the Order of the said Commissioners, then and in every such Case, every Person so offending shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

C. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, to amend any Rate or Assessment to be made by virtue of this Act, by inserting therein the Name or Names of any Person or Persons who ought to have been rated, or by striking out the Name or Names of any Person or Persons who ought not to have been rated therein, or by making such other Amendments therein as will, in the Judgment of the said Commissioners, make such Rate or Assessment conformable to the true Intent and Meaning of this Act; and that no such Amendment so to be made by the said Commissioners in any such Rate or Assessment shall be held to vitiate the same.

Amendment
of Rates by
Commis-
sioners.

CI. And for ascertaining the Mode in which the said Rates or Assessments are to be paid, in Cases where a Change of Tenancy shall take place during the Year for which such Rates or Assessments shall be laid, be it further enacted, That in all Cases where any Person or Persons shall have removed from or quitted any House, Building, or other Property, for or in respect to which he, she, or they shall have been rated or assessed, or was or were liable to be rated or assessed by virtue of this Act, such Person or Persons shall be liable to pay a Portion of the Rates or Assessments to which such Person or Persons would have been subject or chargeable in case he, she, or they had not removed from or quitted the same; and in all Cases where any Person or Persons shall enter into the Occupation of any House, Building, or other Property liable to be rated by virtue of this Act, out of or from which any other Person or Persons who shall have been rated or assessed for the same shall have removed, or which, at the Time of making such Rates or Assessments was or were empty or unoccupied, the Person or Persons so entering into the Occupation of the same shall be liable to pay a Portion of such Rates or Assessments, in proportion to the Time during which 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 House, Building or other Property; all which said respective Portions, in case of Dispute, shall be settled and ascertained by the said Commissioners, or by any One or more of His Majesty's Justices of the Peace for the said Borough or for the said County of *Stafford*, on the Application of any Parties interested therein.

Apportion-
ment of
Rates on
Change of
Tenancies.

CII. And be it further enacted, That if any Person or Persons shall neglect or refuse to pay any Sum or Sums of Money on him, her, or them rated or assessed by virtue of this Act, for any of the Purposes hereof, to the Collector or Collectors of such Rates or Assessments, to be appointed by the said Commissioners for the Time being, for the Space of Five Days after a personal Demand thereof made by such Collector or Collectors, or any of them, or a Demand in Writing under the Hand of any such Collector, left at the last or usual Place of Abode of such Person or Persons, or on the Premises for which such Person or Persons shall be rated or assessed, or any Part thereof, then and in every such Case it shall be lawful for such Collector or Collectors, or any of them, by Warrant under the Hand and Seal, or Hands and Seals of any Justice or Justices of the Peace for the said Borough, or for the said County of *Stafford*, (which Warrant or Warrants the said Justice or Justices is and

Powers for
Recovery of
Rates.

[Local.]

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are

are hereby authorized and required to grant, upon due Proof on Oath, or Confession made before him or them of the Demand and Nonpayment of such Rate or Assessment), with the Assistance of some Constable, or other Peace Officer, to enter into any Dwelling-houses, Buildings, or Lands in the Occupation of the Person or Persons so neglecting or refusing to pay such Rate or Assessment, and there to distrain the Goods and Chattels of such Person or Persons, and the Distress so taken to impound, keep, and detain; and if the full Amount of the Monies so distrained for shall not be paid within Five Days after such Distress being made, together with the Costs and Charges incurred about the same, then such Collector or Collectors is and are hereby authorized to sell the Goods and Chattels so distrained, or such Part thereof as will be sufficient to pay the said Rate or Assessment, together with the Costs and Charges of the said Warrant, and of making, keeping, and selling such Distress, returning the Overplus (if any) of the Money arising by such Sale, to the Owner or Owners of such Goods and Chattels on Demand; or otherwise it shall be lawful for the said Commissioners to recover any such Rate or Assessment so due and payable by virtue of this Act, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, wherein no *Essoign*, Protection, Wager of Law, or more than One Imparlance shall be allowed.

Persons aggrieved may appeal against Rates.

CIII. 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, such Person or Persons having first paid such Rate or Assessment, shall or may apply for Relief in the Premises to the said Commissioners, at their first or second Meeting to be holden next after he, she, or they shall have paid the same; 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 shall seem reasonable; and if any Person or Persons shall be dissatisfied with the Order or Determination of the said Commissioners thereupon, then such Person or Persons may appeal against such Order or Determination, either to the Justices at the General Quarter Sessions of the Peace for the said Borough, or to the Justices at the General Quarter Sessions of the Peace for the said County of *Stafford*, within the Time and in the Manner herein-after directed in that Behalf.

Rates may be inspected and Copies thereof demanded.

CIV. And be it further enacted, That Duplicates of all Rates and Assessments laid or assessed by virtue of this Act shall be deposited with the Clerk of the said Commissioners, who shall permit any Person rated by virtue of this Act, or any Creditor on any of the said Rates or Assessments, to inspect the same, or to take Copies thereof at all reasonable Times, upon Payment of One Shilling; and such Clerk shall, within Ten Days after Demand, deliver a true Copy of such Rates or Assessments, or any of them, or any Portion thereof, to any Person rated as aforesaid, or any such Creditor on the said Rates, having been first paid for the making of such Copy after the Rate of Sixpence for every Seventy-two Words.

CV. And,

CV. And, for the more speedily and effectually enabling the said Commissioners to execute the general Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered from Time to Time, when they shall think it expedient, to borrow and take up at Interest any Sum or Sums of Money not exceeding in the whole the Sum of Seven thousand Pounds, upon the Credit of the said Rates and Assessments hereby authorized to be laid and collected, under the Name and by the Description of the Public Improvement Rates, and by any Writing or Writings under the Hands and Seals of the said Commissioners, or any Five or more of them, to mortgage, grant, or assign the same Rates or Assessments, or any Part or Parts thereof, to the Person or Persons who shall advance or lend such Money, as a Security or Securities for the Money so to be borrowed, together with Interest for the same; and a separate and distinct Mortgage shall be made in respect of each and every Sum of Fifty Pounds so to be borrowed, and every such Mortgage shall be in the Words or to the Effect following; that is to say,

Power to mortgage the public Improvement Rates.

N^o. BY virtue of an Act made and passed in the Fifty-ninth Year of the Reign of King George the Third, intituled [*here set forth the Title of the Act*] we, whose Hands and Seals are hereunto subscribed, being Five or more of the Commissioners acting in the Execution of the said Act, in consideration of the Sum of Fifty Pounds advanced and lent by _____ upon the Credit and for the general Purposes of the said Act, and paid by him [*or her, or them, as the Case may be*] to the Treasurer of the said Commissioners, do grant, bargain, sell, and assign, unto the said _____ Executors, Administrators, and Assigns, such Proportion of the Rates and Assessments authorized by the said Act to be assessed and collected, under the Name and by the Description of the Public Improvement Rates, as the said Sum of Fifty Pounds doth or shall bear to the whole Sum borrowed and to be borrowed, by virtue of the said Act, upon the Credit of the same Rates and Assessments, to be had and holden, from the Day of the Date of these Presents, until the said Sum of Fifty Pounds, with Interest for the same, after the Rate of _____ *per Centum per Annum*, shall be fully repaid and satisfied. In Witness whereof, we have hereunto set our Hands and Seals, the _____ Day of _____ in the Year of our Lord _____.

Form of Mortgage.

And every such Mortgage shall be valid and effectual in the Law; and all such Mortgages shall be numbered, commencing with Number One, and so proceeding in arithmetical Progression ascending, whereof the Difference shall always be One in respect of every Sum of Fifty Pounds, for which a separate Mortgage shall be so granted as aforesaid.

CVI. Provided always, and be it further enacted, That in case the said Commissioners shall think it advisable to raise all or any Part of the said Sum of Seven thousand Pounds herein-before authorized to be raised for the general Purposes of this Act, by the granting of Annuities for Lives, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by Writing under the Hands and Seals of the said Commissioners,

Power to raise Money by granting Annuities on the public Improvement Rate.

missioners, or any Five or more of them, to grant One or more Annuity or Annuities to any Person or Persons, being a Subject or Subjects of this Realm, who shall advance and pay into the Hands of the Treasurer of the said Commissioners any Sum or Sums of Money for the absolute Purchase of any such Annuity or Annuities; each of the said Annuities to be paid and payable during the natural Life of the Purchaser thereof, or of such other Person as shall be nominated by or on the Behalf of such Purchaser, at the Time of the Payment of his or her Purchase Money; and the Grant of every such Annuity shall be in the Words or to the Effect following; that is to say,

Form of
Grant of
Annuity.

‘ N^o. BY virtue of an Act made and passed in the Fifty-ninth
‘ Year of the Reign of King George the Third, intituled, [*here set*
‘ *forth the Title of this Act*], we, whose Hands and Seals are hereunto
‘ subscribed, being Five or more of the Commissioners acting in the Exe-
‘ cution of the said Act, in consideration of the Sum of
‘ in Hand, paid by of to the Treasurer of the said
‘ Commissioners, for the general Purposes of the said Act, do hereby
‘ grant unto the said Executors, Administrators, and Assigns, one
‘ Annuity or yearly Sum of out of the Rates and Assessments
‘ authorized by the said Act to be assessed and collected, under the Name
‘ and by the Description of the Public Improvement Rates; which
‘ Annuity or yearly Sum of shall be paid to the said
‘ or Assigns, during the Term of natural Life, [*or, as the*
‘ *Case may be*, to the said Executors, Administrators, and Assigns,
‘ during the natural Life of], by Quarterly Payments, upon the
‘ Day of Day of Day of and
‘ Day of in every Year; and the first Quarterly Payment thereof
‘ shall be made upon the Day of next ensuing the Date
‘ of these Presents. In Witness whereof, we have hereunto set our Hands
‘ and Seals, the Day of in the Year of our Lord

And every such Grant shall be good, valid, and effectual in the Law, without any Enrolment or Registry of any Memorial thereof in the High Court of Chancery, or elsewhere, except as herein-after mentioned, any Law or Statute to the contrary thereof notwithstanding; and all Annuities to be granted as aforesaid shall be and are hereby charged upon, and shall be paid and payable, free from all Charges and Deductions out of the said Rates and Assessments hereby authorized to be assessed and collected under the Name and by the Description of ‘ The Public Improvement Rates.’

Restriction as
to Grants
of Annuities.

‘ CVII. And for preventing any improvident Grants of Annuities under
‘ this Act, be it further enacted, That no Annuities shall be granted by
‘ virtue of this Act for any single Life at any higher Rate or Rates than
‘ the following; (that is to say), where the Age of the Annuitant or Person
‘ for whose Life the Annuity shall be granted shall not exceed Thirty-five
‘ Years, the Annuity to be granted shall not exceed the Rate of Eight
‘ Pounds and Three Shillings for each One hundred Pounds of the Consi-
‘ deration Money paid for the Purchase thereof; where the Age of such
‘ Person shall not exceed Forty Years, the Annuity to be granted shall not
‘ exceed

exceed the Rate of Eight Pounds and Ten Shillings for each One hundred Pounds of such Consideration Money; where the Age of such Person shall not exceed Forty-five Years, the Annuity shall not exceed the Rate of Nine Pounds for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Fifty Years, the Annuity shall not exceed the Rate of Nine Pounds and Twelve Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Fifty-five Years, the Annuity shall not exceed the Rate of Ten Pounds and Eight Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Sixty Years, the Annuity shall not exceed the Rate of Eleven Pounds and Eight Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Sixty-five Years, the Annuity shall not exceed the Rate of Twelve Pounds and Seventeen Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Seventy Years, the Annuity shall not exceed the Rate of Fifteen Pounds and One Shilling for each One hundred Pounds of the Consideration Money; and where the Age of such Person shall not exceed Seventy-five Years, the Annuity shall not exceed the Rate of Eighteen Pounds and Ten Shillings for each One hundred Pounds of the Consideration Money.

CVIII. And be it further enacted, That the several Persons to whom any such Mortgages, or any such Grants of Annuities shall have been made, shall be severally entitled to their respective Quota of the said Rates and Assessments, in proportion to the annual Amount of the Interest of the Monies borrowed on Mortgage, and the annual Amount of the said Annuities, without any Preference by reason of the Priority in Date of any such Mortgage or Grant, or on any other Account whatsoever.

No Preference in Payment of Mortgages and Annuities.

CIX. And be it further enacted, That a Book shall be provided by the said Commissioners, and kept by their Clerk, in which shall be entered and registered Copies of all Mortgages and Grants of Annuities made in pursuance of this Act, which Book shall be open to the Inspection of the several Holders of Mortgages and Grants of Annuities, made by virtue of this Act, and their respective Executors, Administrators, and Assigns, at all reasonable Times, without Fee or Reward.

Register Book to be kept of Mortgages and Annuities.

CX. And be it further enacted, That it shall be lawful for the several Persons entitled for the Time being to any of the Mortgages for the Money which shall be borrowed, or to any of the Annuities which shall be granted as aforesaid, or their respective Executors, Administrators, or Assigns (as the Case may be), at any Time by Writing under their respective Hands and Seals, to assign or transfer the same to any Person or Persons, being a Subject or Subjects of this Realm; and every such Assignment or Transfer shall be in the Form or to the Effect following; (that is to say),

Mortgages and Annuities may be transferred.

I A. B. of
 nuity of
 [Local.]

being entitled to the Sum of
] by virtue of a Mortgage [or, Grant of an
 20 X.

[or, an An-
 Grant of an
 Annuity.]

Form of Transfer.

‘ Annuity,] bearing Date the Day of in the Year of
 ‘ our Lord under the Hands and Seals of of the
 ‘ Commissioners for putting in Execution, an Act of Parliament, passed
 ‘ in the Fifty-ninth Year of the Reign of His Majesty King George the
 ‘ Third, intituled: [*here, set forth the Title of this Act*] upon the Credit of
 ‘ certain Rates and Assessments, payable by virtue of the said Act, do
 ‘ hereby, in consideration of the Sum of to me paid by
 ‘ assign and transfer unto the said Executors, Administrators,
 ‘ and Assigns, all my Right and Interest in and to the said Principal
 ‘ Sum of thereby secured, and all Interest now due and here-
 ‘ after to grow due thereon [*or, the said Annuity or yearly Sum of*
 ‘ thereby secured, and all Arrears thereof.]; In Witness whereof I
 ‘ have hereunto set my Hand and Seal, the Day of
 ‘ in the Year of our Lord

Transfers to
be registered.

Which Transfers shall, within Twenty Days after the Date thereof, be
 produced to the Clerk of the said Commissioners, who shall cause an
 Entry or Memorial to be made thereof, containing the Date, Names of
 the Parties, and the Sum of Money or Annuity thereby transferred in the
 said Register Book to be kept for entering Copies of the original Mort-
 gages and Grants of Annuities; and after such Entry made, but not
 before, every such Assignment shall entitle the Assignee or Assignees, and
 his, her, and their Executors, Administrators, and Assigns, to the Benefit
 of the Monies thereby assigned or transferred, without any further Registry
 or Memorial thereof, except as aforesaid.

Provision for
Payment of
Mortgage
Creditors by
Lot.

CXI. And in order that no undue Preference may be given in paying
 off the aforesaid Mortgages, be it further enacted, That when and so
 often as the said Commissioners shall think it expedient to pay off One
 or more of the said Mortgages, they shall cause the several Numbers of
 all the Mortgages granted and then in force, to be written upon distinct
 Pieces of Paper of an equal Size; and all such Papers shall be rolled up
 in the same Form, and be put into a Box, and the Clerk of the said
 Commissioners shall, in the Presence of Five or more of the said Com-
 missioners, draw out of the said Box One of the said Numbers for every
 Sum of Fifty Pounds then intended to be paid off by the said Commis-
 sioners; and thereupon the Mortgage or Mortgages, corresponding with
 the Number or Numbers which shall be so drawn, shall be accordingly
 paid off by the said Commissioners; and after every such Ballot the said
 Commissioners shall cause Notice, signed by their Clerk, to be given to
 the Person or Persons who shall be entitled to the Money to be paid off,
 pursuant to such Ballot, which Notice shall express the Principal Sum
 to be paid off, and that the same will be paid, together with the Interest
 due thereon, at a Place to be specified in such Notice at the Expiration
 of Three Calendar Months from the Day of giving such Notice as afore-
 said; and the Interest of the Principal Money to be paid off, shall from
 and after the End of the said Three Calendar Months, cease and be no
 longer paid or payable, unless such Money shall be demanded pursuant
 to such Notice, and not paid; but the Principal Money, in respect
 whereof such Notice shall be given, and also the Interest thereof to the
 End of the said Three Calendar Months, shall nevertheless be payable on
 Demand.

CXII And

CXII. And be it further enacted, That in case the said Commissioners shall at any Time be able to borrow or take up any Sum or Sums of Money at a lower Rate of Interest than shall happen to be payable upon any of the original or other Mortgages, which may have been granted by the said Commissioners, and which may happen to be then existing, it shall be lawful for the said Commissioners from Time to Time to charge the said Rates or Assessments in manner aforesaid, with any Sum or Sums of Money to be borrowed at such lower Rate of Interest, and the Interest thereof at such lower Rate as aforesaid, and therewith to pay off and discharge any of the said original or other Mortgages, bearing a higher Rate of Interest, according to the Directions and Regulations hereinbefore prescribed for paying off Mortgages.

Money may be borrowed at lower Interest, to pay off existing Mortgages.

CXIII. And for making effectual Provision for the paying off of all the said Mortgages, be it further enacted, That whenever any Sum or Sums of Money shall from Time to Time be borrowed by way of Mortgage, in pursuance of this Act, then and in every such Case the said Commissioners are hereby required to cause One Tenth Part of the Money so borrowed to be invested in the Purchase of Stock in the Public Funds, in the Names of Five or more of the said Commissioners, and in the Name of the Treasurer of the said Commissioners for the Time being; and to cause all the Dividends or Proceeds of such Stock, when and as the same shall become due and be received, to be also invested in like manner in the Purchase of like Stock, the Dividends and Proceeds whereof shall also be applied in manner aforesaid, in order that the same may accumulate and form a Sinking Fund, for the Discharge of all the Mortgages which shall have been granted by virtue of the Powers of this Act, and not otherwise satisfied; and when and so soon as such Sinking Fund shall have accumulated to a Sum sufficient for the Discharge of all the said Mortgages then remaining unsatisfied (but not before), the said Commissioners are hereby authorized and required to cause the Stocks forming such Fund to be sold and disposed of; and out of the Money arising from the Sale thereof to pay off and discharge all the said Mortgages which shall then remain unsatisfied; and the said Commissioners are hereby expressly required not to cause or permit such Sinking Fund, or any Part thereof, to be diverted or applied to any other Purpose, whilst any of the said Mortgages remain unsatisfied; but if the said Sinking Fund, or any Part thereof, shall remain after all the said Mortgages have been satisfied, then the same shall and may be applied by the said Commissioners for the general Purposes of this Act.

Sinking Fund for paying off Mortgages.

CXIV. And be it further enacted, That if any Person or Persons whomsoever shall at any Time or Times obstruct, hinder, molest, or interrupt any Watchman, Night Patrole, Workman or other Person, who shall be employed by or under the Authority of the said Commissioners, by virtue or in pursuance of this Act, in the Exercise of any of the Powers hereby granted, or in the Performance or Execution of any Works or other Duties, Matters or Things whatsoever, by this Act directed or authorized to be done; then and in every such Case every Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds.

Penalty on interrupting Commissioners, &c. in the Execution of the Act.

CXV. And

Commissioners may enter into Contracts.

CXV. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to enter into any Contract or Contracts as well for paving, repairing, and cleansing, as for lighting the several Streets, Lanes, Highways, Passages and other public Places within the said Borough, or any of them, or for doing any other of the Works by this Act authorized to be done, or for furnishing any Materials, Labour, or other necessary Matters and Thing whatsoever for the Performance thereof, or for any other of the Purposes of this Act, with any Person or Persons who shall be willing to undertake and engage in the same: Provided always, that no such Contract or Contracts shall be made for a longer Term than Three Years from the making thereof, and that before any such Contract or Contracts shall be entered into, Ten Days Notice shall be given in some Newspaper printed or circulated in the said Borough, expressing the Purpose or Purposes of the Contract or Contracts intended to be made, in order that Persons willing to undertake the same may make Proposals to the said Commissioners, at a certain Time and Place in such Notice to be specified; and all such Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works are to be completed, together with the Penalties to be incurred in case of Non-performance thereof; and the same shall be signed by the said Commissioners, or any Five or more of them, and also by the Person or Persons contracting to perform such Works respectively; and Copies of all such Contracts shall be entered in a Book to be kept for that Purpose by the Clerk of the said Commissioners; but provided nevertheless, that where any Contract or Contracts shall be made by the said Commissioners with any such Gas Light Company as aforesaid, for lighting the said Borough, or any Part thereof, the same shall be valid and effectual, although no Notice may have been given by the said Commissioners of their Intention to contract for such lighting in Manner aforesaid.

Composition for Breach of Contracts.

CXVI. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time to compound and agree with any Person or Persons, or Body or Bodies Politic or Corporate, who shall have entered into any Contract or Contracts with the said Commissioners, in pursuance or under the Authority of this Act, for any Penalty or Penalties contained in any such Contract or Contracts, or in any Bond or Bonds, or other Security or Securities for the Performance thereof, or for or on account of any Breach or Nonperformance of any such Contract or Contracts, Bond or Bonds, or other Security or Securities, for such Sum or Sums of Money or other Recompence as the said Commissioners shall think proper.

Application of the public Lighting Rates.

CXVII. And be it further enacted, That all the Monies which shall be raised by virtue of this Act from and by the several Rates and Assessments herein-before authorized to be assessed and levied, under the Name and by the Description of the Public Lighting Rates, and such other Monies as are herein-before directed to be applied in aid of the Expences of lighting the said Borough, shall be and the same they are hereby vested in the said Commissioners, and the same shall from Time to Time and at all Times be applied and disposed of, by or under the Orders of the said Commissioners

Commissioners for defraying the Costs, Charges, and Expences to be incurred from Time to Time, by or by the Direction of the said Commissioners, in, for, and about the public lighting of the several Streets, Lanes, Passages, and other public Places within the said Borough, and for no other Use, Intent, or Purpose whatsoever.

CXVIII. And be it further enacted, That all the Monies which shall be raised by virtue of this Act, from and by the several Rates and Assessments herein-before authorized to be assessed and levied, under the Name and by the Description of the Public Improvement Rates, and all the Monies which shall be borrowed on Mortgage of the same Rates and Assessments, or received from the Sale of Annuities to be granted out of the same, and all Monies which are herein-before directed to be applied to the general Purposes of this Act, and all other Monies which shall come to the Hands of the said Commissioners for the Purposes of this Act, in regard to the Disposal of which no specific Directions are herein-before given, shall be and the same are hereby vested in the said Commissioners, and the same shall from Time to Time and at all Times be applied and disposed of by and under the Orders of the said Commissioners in and for defraying the Costs, Charges, and Expences of paving, watching, cleansing, regulating, and improving the Streets, Lanes, Passages, and other public Places within the said Borough, in the Manner hereby directed, and all other necessary Costs, Charges, and Expences whatsoever, relating to the Execution of this Act, and the Powers and Authorities hereby given and granted to the said Commissioners, and in and for paying the Annual Interest of the Principal Monies to be borrowed on the Credit of the said Rates and Assessments, and all Annuities which may be granted by virtue of this Act, and in and for paying off the said Principal Monies so to be borrowed as aforesaid, and in and for carrying the Intents and Purposes of this Act into complete Execution in other respects, or in or for any of the aforesaid Purposes, and for no other Use, Intent or Purpose whatsoever: Provided nevertheless, that no Part of the Monies which shall come to the Hands of the said Commissioners by virtue of this Act, shall be disposed of or applied in defraying any Part of the Costs, Charges, or Expences to be incurred in, for, or about the public lighting of the said Borough, save and except only the particular Monies which are herein-before directed to be appropriated for that Purpose.

Application
of public
Improvement
Rates, &c.

CXIX. And be it further enacted, That all Monies whatsoever, which shall be raised and collected by Order of the said Commissioners, by or from any of the aforesaid Rates or Assessments, or which shall be by them borrowed on Mortgage, or received on the Sale of Annuities for the Purposes of this Act, or which shall be otherwise payable to them under any of the Provisions of this Act, shall be paid from Time to Time into the Hands of the Treasurer of the said Commissioners for the Time being; and that no Sum or Sums of Money shall be disbursed or issued by the Treasurer of the said Commissioners, on the Behalf or on Account of the said Commissioners, without an Order in Writing signed at a Meeting of the said Commissioners, to be held in pursuance of this Act, by the Chairman of such Meeting for the Time being.

Treasurer to
receive Mo-
nies, and pay
same by Or-
der of Com-
missioners.

CXX. And be it further enacted, That the said Commissioners are hereby directed from Time to Time to give Instructions to their Surveyor
[Local.] 20 Y for

Surveyor to
lay Informa-
tions.

for the Time being, and the said Surveyor is hereby expressly enjoined to search for, inquire, and examine into, and upon any Complaint to be made or given to him thereof by any Inhabitant of the said Borough, forthwith personally to view and inspect all Nuisances, Annoyances, Obstructions, and other Offences, done, committed, or suffered within the said Borough, contrary to any of the Provisions of this Act; and thereupon to lay an Information or Informations against the Offender or Offenders, before any One or more of the Justices of the Peace for the said Borough or for the said County of *Stafford*, in order that such Offender or Offenders may be dealt with for the same according to the Powers and Provisions of this Act; and if any such Surveyor shall, after any such Direction given to him as aforesaid, at any Time wilfully neglect or refuse to search for, inquire, and examine, into any such Nuisances, Annoyances, Obstructions, or other Offences as aforesaid, or after any such Complaint made to him as aforesaid, personally to view or inspect the Matters of such Complaint, or shall neglect or refuse to lay any such Information or Informations against any such Offender or Offenders as aforesaid, then and in every such Case the said Surveyor so refusing or neglecting shall forfeit and pay for every such Refusal or Neglect the Penalty or Sum of Five Pounds.

Recovery and
Application
of Penalties.

CXXI. And be it further enacted, That all Offences whatsoever, which by virtue or under the Authority of this Act, or by or under any Bye-law, Rule, Order, or Regulation, to be made in pursuance or by the Authority of this Act, are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeitures, for the Recovery of which no express Provision is hereinbefore made, shall and may in every Case be heard, adjudged, and determined by and before any One or more Justice or Justices of the Peace for the said Borough, or for the said County of *Stafford*, in a summary Way, upon Information or Complaint made and exhibited in Writing (and which shall in every Case be made and exhibited within Two Calendar Months at the farthest next after the committing of such Offences respectively, and not afterwards); and upon any such Information or Complaint as aforesaid, the said Justice or Justices shall examine into the Matter thereof; and if, upon the Confession of the Party or Parties accused, or on the Oath of any one or more credible Witness or Witnesses, the said Party or Parties accused shall be convicted of having committed such Offence or Offences, then and in every such Case, the Penalty or Penalties hereby made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justice or Justices, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then the said Penalty or Penalties shall and may, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of any such Justice or Justices (which he or they is and are hereby empowered and required to grant), be levied and recovered, together with the Costs of Conviction and Recovery thereof, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, wherever such Goods or Chattels can be found, rendering the Overplus of the Money arising by such Sale (if any) to the Party or Parties whose Goods or Chattels shall be so distrained; One Moiety of all which Penalties, not herein directed to be otherwise applied, shall be paid to the Informer, and the other Moiety shall

shall be paid to the Treasurer of the said Commissioners for the Time being, to be applied for the general Purposes of this Act; and it shall and may be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody, until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices, for his or their Appearance before the said Justice or Justices, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take, by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, then it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal, or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol for the said Borough, or to the House of Correction for the said County of *Stafford*, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have fully paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law.

CXXII. Provided always, and be it further enacted, That it shall be lawful for the Justice or Justices of the Peace, by or before whom any Party or Parties shall be convicted in any of the Penalties imposed or to be imposed by virtue of this Act, or of any Bye-law, Rule, Order, or Regulation to be made in pursuance or under the Authority of this Act, from Time to Time to mitigate, compound, or lessen any of the said Penalties, in any Case where it shall appear to such Justice or Justices right and proper so to do, so that no such Penalty shall be thereby reduced in any Case to less than One Fourth Part of the Amount specified or to be specified in this Act, or in the Bye-law, Rule, Order, or Regulation imposing the same as aforesaid. Mitigation of Penalties.

CXXIII. And for the more easy Conviction of Offenders against this Act, or against any Bye-law, Rule, Order, or Regulation to be made in pursuance or by the Authority of this Act; be it further enacted, That a Conviction in the Form or to the Effect following shall be good, without alleging more than the Substance of the Offence; (that is to say),

<p> Borough of Newcastle-under-Lyme, in the County of Stafford (or County of Stafford, as the Case may be), to wit, </p>	}	<p> BE it remembered, That on the Day of our Lord One thousand eight hundred and is [or are, as the Case may be] convicted before me [or us, as the Case may be] [or as the Case may be] of His Majesty's Justices of the Peace for the Borough of Newcastle-under-Lyme, in the County of Stafford [or County of Stafford, </p>	<p> in the Year of Conviction. </p>
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‘ Stafford, as the Case may be] of having [here state the Offence, and
 ‘ the Time and Place when and where the same was committed] contrary
 ‘ to an Act of Parliament [or, contrary to a Bye-law duly made in
 ‘ pursuance of an Act of Parliament, as the Case may be] passed in the
 ‘ Fifty-ninth Year of the Reign of His Majesty King George the Third,
 ‘ intituled [here insert the Title of this Act] for which Offence I, [or we,
 ‘ as the Case may be] do adjudge the said to have forfeited the
 ‘ Sum of [here state the Amount of the Penalty, Fine, or Forfeiture for the
 ‘ Offence] according to the said Act of Parliament [and in any Case where
 ‘ the Justice or Justices may see Cause to mitigate the Penalty, here insert and
 ‘ I, or we, the said Justice or Justices seeing Cause to mitigate and lessen
 ‘ the said Penalty, do, according to the Provisions of the said Act of Par-
 ‘ liament, mitigate and lessen the same to the Sum of] which
 ‘ said Sum of [here name the Amount of the Penalty, or mitigated Penalty,
 ‘ as the Case may be,] is to be distributed and applied in Manner fol-
 ‘ lowing; that is to say, One thereof to the Use of the Com-
 ‘ missioners for putting the said Act into Execution, and the other
 ‘ thereof to the Use of A. B. [here name the Informer] according
 ‘ to the Provisions of the said Act of Parliament. Given under my
 ‘ Hand and Seal [or our Hands and Seals, as the Case may be] the Day
 ‘ and Year first above written.’

Witnesses
 may be sum-
 moned.

CXXIV. And be it further enacted, That if any Person shall be
 summoned as a Witness to give Evidence before any Justice or Justices
 of the Peace, touching any Matter contained in any Information or
 Complaint for any Offence against this Act, or against any such Bye-
 law, Rule, Order, or Regulation as aforesaid, either on behalf of the
 Prosecution, or on behalf of the Person or Persons accused, and shall
 refuse or neglect to appear at the Time and Place to be for that Purpose
 appointed, after having been paid or tendered a reasonable Sum of
 Money for his or her Costs and Expences, without a satisfactory Excuse
 being given for such Non-appearance, or appearing shall refuse to be ex-
 amined upon Oath (and which Oath any Justice or Justices of the Peace
 is and are hereby expressly authorized and required to administer in all
 Cases whatsoever, where the Provisions of this Act require the Oath of
 any Witness or Witnesses to be had in any Proceeding before such Justice
 or Justices), and to give Evidence touching the Matter in question before
 such Justice or Justices, then and in every such Case every such Person
 so offending shall forfeit and pay for every such Offence the Penalty or
 Sum of Five Pounds.

Persons pay-
 ing Rates,
 &c. may be
 Witnesses.

CXXV. And be it further enacted, That no Person whomsoever shall
 be disqualified from being a competent Witness, and being admitted to
 give Evidence in any Informations, Prosecutions, Appeals, Causes, or
 Proceedings whatsoever, relating to the Execution of this Act, or any
 Bye-law, Order, or Determination made in pursuance thereof, by reason
 of his paying or being charged with, or liable to pay any of the Rates
 or Assessments hereby authorized to be made, or any other Rate or
 Assessment within the said Borough, or by reason of his being an
 Inhabitant of the said Borough, or being One of the Commissioners for
 putting this Act into Execution, or holding any Office under the said
 Commissioners.

CXXVI. And

CXXVI. And be it further enacted, That if any Witness who shall be examined before the said Commissioners, or by or before any Justice or Justices of the Peace, or otherwise, under this Act, upon Oath, shall wilfully and corruptly give false Evidence, and shall be thereof convicted, he or she so giving false Evidence shall be subject to the same Pains and Penalties as if he or she had been convicted of wilful and corrupt Perjury.

Punishment
on giving
false Evi-
dence.

CXXVII. And be it further enacted, That where any Distress shall be made, for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect of Form in any Proceeding relating thereto, nor a Trespasser or Trespassers *ab initio* on account of any subsequent Irregularity in the prosecuting of such Distress; but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for especial Damages in an Action upon the Case.

Distress not
to be avoided
for want of
Form.

CXXVIII. Provided always, and be it further enacted, That any Body or Bodies Politic or Corporate, or any Person or Persons whomsoever, thinking himself, herself, or themselves aggrieved by any Rate or Assessment to be laid and assessed under or by virtue of this Act, or by any Determination or Judgment made or given by any Justice or Justices of the Peace, in pursuance of this Act, or of any Bye Law, Rule, Order, or Regulation made by virtue thereof, or by any other Matter or Thing done by the said Commissioners, or otherwise in the Execution of this Act (except in Cases where the Verdicts or Inquisitions of Juries are directed to be taken), may, within Six Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace, at some General Quarter Sessions of the Peace to be holden either for the said Borough, or for the said County of *Stafford*, or other the County or Place where the Cause or Matter of Appeal shall arise, the said Party or Parties Appellant having given at least Thirty Days Notice in Writing of his, her, or their Intention of making such Appeal, and of the Matter and Cause thereof, to the Party or Parties against whom such Appeal shall happen to be made, or whose Interest may be affected by such Appeal, except where the Appeal shall be made against any such Rate or Assessment as aforesaid, or against any other Act, Matter, or Thing made or done by the said Commissioners, or by any Justice or Justices of the Peace, and then to the Clerk of the said Commissioners, and within Three Days after such Notice causing a Recognizance to be entered into before some Justice of the Peace for the said Borough by Two sufficient Persons in the Sum of Ten Pounds each, conditioned for the Party or Parties Appellant trying such Appeal, and abiding the Order and Award of the Justices at such General Quarter Sessions thereon, and paying such Costs as shall be awarded at such Sessions; and thereupon the Justices present at any such General Quarter Sessions, upon due Proof upon Oath of such Notice and Recognizance having been given and entered into as aforesaid, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way; and the said Justices shall have Power to award such Restitution, Damages

Appeal to
Quarter
Sessions.

and Costs to the Party or Parties appealing or prosecuting such Appeal, or such Costs to the Respondent or Party or Parties defending such Appeal as the said Justices shall think proper; and all such Determinations of the said Justices at such Sessions shall be final, binding, and conclusive upon all Parties, and to all Intents and Purposes whatsoever.

Justices on Appeal may alter or quash Rates.

CXXIX. Provided always, and be it further enacted, That on any Appeal from or against any Rate or Assessment to be made in pursuance of or for any of the Purposes mentioned in this Act, the Justices of the Peace at the General Quarter Sessions of the Peace to which such Appeal shall happen to be made, shall and may alter and amend any such Rate or Assessment in such Manner as they shall think necessary for giving Relief to any Party or Parties injured or aggrieved thereby, without quashing or altering any such Rate or Assessment, with respect to any other Persons mentioned in the same; but if upon any such Appeal it shall by such Justices be thought necessary to set aside the whole Rate or Assessment, then and in such Case it shall be lawful for such Justices so to do, and to order a new Rate or Assessment to be made in the Manner herein-before directed.

Justices not disqualified from acting by being Commissioners, &c.

CXXX. And be it further enacted, That no Justice of the Peace shall be disqualified from acting as a Justice in any Case whatsoever in the Execution of this Act, only by reason of his being One of the said Commissioners for the Time being, or being an Inhabitant of the said Borough, or being rated or liable to be rated to any of the Rates or Assessments to be made by virtue of this Act, or any other Rate or Assessment within the said Borough.

Proceedings not to be quashed nor removed by Certiorari.

CXXXI. And be it further enacted, That no Order, Verdict, Rate, Assessment, Judgment, Conviction, or other Proceeding, touching or concerning any Offence against this Act, or against any such Bye Law as aforesaid, or any other of the Matters aforesaid, 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.

Commissioners not individually answerable for Contracts, &c.

CXXXII. 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 or in their private Capacities; nor shall any of the said Commissioners personally, or their respective Estates, be answerable for or subject to the Payment of any of the Mortgages or Annuities to be granted in pursuance of this Act; and that all Money which shall be expended by or recovered against the said Commissioners, or any of them, by or in any Action, Prosecution, or Appeal to be brought either by or against the said Commissioners touching the Execution of this Act, shall be defrayed out of the Monies to be raised for the general Purposes of this Act.

CXXXIII. And

CXXXIII. And be it further enacted, That the said Commissioners shall and may sue and be sued, plead and be impleaded, appeal and be appealed against, and otherwise proceed and be proceeded against, at Law or otherwise, in the Name of their Clerk for the Time being; and that all Actions or Suits, Appeals and other Proceedings whatsoever, which may be brought or prosecuted by Order of the said Commissioners, for the Recovery of any Rate or Rates, Assessment or Assessments, or Sum or Sums of Money whatsoever, which shall be due or payable by virtue of this Act, or for or in respect of any other Matter or Thing relating to this Act, or the Execution thereof, shall or may be brought and prosecuted in the Name of the Clerk of the said Commissioners for the Time being; and that no Actions, Suits, Appeals, or other Proceedings which may be brought or prosecuted by or against the said Commissioners, or any of them, by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by any Act or Default of such Clerk done or suffered, without the Direction or Consent of the said Commissioners; but the Clerk of the said Commissioners for the Time being shall always be deemed Plaintiff or Defendant, Appellant or Respondent (as the Case may be), in such Actions, Suits, Appeals or other Proceedings: Provided always, that every such Clerk, in whose Name any Action, Suit, Appeal, or other Proceeding may be commenced, prosecuted, or defended, in pursuance of this Act, shall always be reimbursed out of the Monies to be raised by virtue of this Act all Costs, Charges and Expences which he shall sustain or become chargeable with, by reason of his being so made Plaintiff, Defendant, Appellant, or Respondent therein; and such Clerk shall not be personally answerable for the Payment of the same or any Part thereof, unless such Action, Suit, Appeal, or other Proceeding shall arise in consequence of his own Neglect or Default, or shall have been brought or commenced, or be defended without the Order of the said Commissioners.

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

CXXXIV. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against the said Commissioners or any of them, or any other Person or Persons for any thing done or to be done in pursuance or under the Authority of this Act, unless a Notice in Writing shall be given Thirty Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action, if Tender of sufficient Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before the commencing of such Action; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit; whereupon such Proceedings, Orders, and Judgments shall be had, made, and given in and by the Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Tender of Amends.

CXXXV. And

Limitation of
Actions.

CXXXV. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against the said Commissioners, or any of them, or any other Person or Persons, for any thing done or to be done in pursuance or under the Authority of this Act, after the Expiration of Six Calendar Months next after the Act committed; and all such Actions and Suits shall be laid and tried in the County of *Stafford* and not elsewhere; and the Defendant or Defendants in every such Action or Suit 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 Suit shall be so brought, was done in pursuance and by the Authority of this Act; and if upon such Trial the said Matter or Thing shall appear to have been so done, or if such Action or Suit shall have been brought before Thirty Days Notice thereof shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time herein-before limited for bringing the same, or if the same shall be brought in any other County or Place than as aforesaid; then and in any of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict being given, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of such Action after the Defendant or Defendants shall have appeared thereto, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall have Treble Costs, and shall have such and the like Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in other Cases by Law.

Direction as
to Service of
Notices, &c.

CXXXVI. And be it further enacted, That in all Cases of Notices, Summonses, or Demands in Writing, directed or required by this Act to be given or served, or which shall or may be necessary for carrying into Execution any of the Powers of this Act, the Service of any such Notice, Summons, or Demand, by delivering the same, or a true Copy thereof, to the Person or Persons to whom the same ought to be given, or by leaving the same, or a true Copy thereof, at his, her, or their Dwelling House, or usual or last Place of Abode, shall be a valid and effectual Service thereof (except only in Cases where personal Service is herein-before expressly required).

Expences of
the Act.

CXXXVII. And be it further enacted, That all the Costs, Charges, and Expences incurred, and to be incurred in and about the applying for, obtaining, and passing of this Act, shall be paid and discharged by the Persons who have agreed to pay and contribute the same.

Saving of
Rights.

CXXXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, abridge, alter, or affect the Jurisdiction, Rights, Powers, or Privileges of the Mayor and Justices of the Peace for the said Borough for the Time being, or any of them; or any Jurisdiction, Rights, or Privileges which the Justices of the Peace for the said County of *Stafford*, or any of them, have or may lawfully enjoy within the said Borough; or the Rights, Powers, and Privileges of the Mayor of the said Borough for the Time being, as the Clerk of the Markets of the said Borough; or the Right,
Power,

Power, and Privilege used and exercised by the Mayor, Bailiffs, and Burgeses of the said Borough, or their Lessees, of supplying the Inhabitants of the said Borough with Water, by Means of Pipes laid through and under the Streets, Lanes, and other public Places thereof; or the Right of Soil, or any other Rights, Royalties, Jurisdctions, Franchises, Liberties, Privileges, Powers, Tolls, Duties, Customs, Immunities, Emoluments; Rents, Revenues, or Services, now belonging to or vested in the said Mayor, Bailiffs, and Burgeses; by Charter, Prescription, or otherwise; save and except such only (if any) of the aforesaid Premises, as by this Act are taken away, lessened, or diminished, in expers Terms, and by expers Words.

CXXXIX. And be it further enacted, That this Act shall be deemed Public Act and taken to be a Public Act; and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

The SCHEDULE referred to by this Act.

A Dwelling House at the Corner of *Red Lion Square*, belonging to the Most Noble *George Granville* Marquess of the County of *Stafford*, and in the Occupation of *William Blaney*.

A Dwelling House in *Church-lane*, belonging to the Devisees of Mr. *William Hill*, and in the Occupation of *John Cooper*.

Two Dwelling Houses adjoining to the *London Road*, belonging to *Abner Wedgwood*, and in the several Occupations of *George Baguley* and *Benjamin Brindley*.

Two Dwelling Houses in *Penkhull-street*, belonging to *Mary Hackney* and *Elizabeth Gill*, and in the several Occupations of *Elizabeth Gordon* and *John Cook*.

Three Dwelling Houses at the North End of *Bridge-street*, belonging to *William Cotton* Esquire, Two of which are in the several Occupations of *John Griffiths* and *Thomas Eaton*, and the other is untenanted.

A Dwelling House in *Bridge-street*, belonging to *William Turner*, in the Occupation of *Thomas Peake*.

A Dwelling House in *Lower-street*, and a Shop in *Church-lane*, both belonging to *Thomas Cockersole*, and in the Occupation of *Thomas Downes*.

A Dwelling House at the North-east Corner of *Friars-lane*, belonging to the said *William Cotton*, and in the Occupation of *James Allman*.

A Barn or Stable, adjoining the last-mentioned House, belonging to the said *William Cotton*, and in the Occupation of *John Aston*.

A Barn or Stable, at the South-west Corner of *Friars-lane*, belonging to and in the Occupation of *William Barlow* the younger.

Four Dwelling Houses in a Yard or Passage leading out of the *London Road*, belonging to the said *Mary Hackney* and *Elizabeth Gill*, and in the several Occupations of *John Rhodes*, *Thomas Cook*, *Peter Mare*, and *Ann Amyson*.

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