



ANNO PRIMO

# GEORGII IV. REGIS.

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## *Cap. lxi.*

An Act for lighting, cleansing, and otherwise improving the Town and Borough of *Stockton*, in the County of *Durham*. [8th July 1820.]

**W**HEREAS the Streets, Squares, and other public Passages and Places of the Town and Borough of *Stockton*, in the County of *Durham*, are not properly lighted, paved, and cleansed, and are subject to various Encroachments, Nuisances, and Annoyances: And whereas it would tend greatly to the Benefit, Convenience, and Safety, not only of the Inhabitants of the said Town and Borough, but of Persons resorting thereto, if the said Streets, Squares, and other public Passages and Places were properly lighted, paved, and cleansed, and if certain Encroachments and Annoyances were removed, and Provision made for preventing the like in future: But as such Purposes cannot be effected without the Aid and Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Christopher Anstey* Clerk, *Watson Alcock*, *Benjamin Atkinson*, *John Atkinson*, *James Atkinson* senior, *John Addie* Doctor of Medicine, *John Brewster* the elder, Clerk, *William Braithwaite*, *John Brewster* the younger, Clerk, *John Barker*, *William Bayley*, *Henry Beckwith*, *William Bursey*, *Robert Bald*, *Charles Barrett*, *John Cartwright*, *James Crowe*, *Robert Clarke*, *James Cundill* Clerk, *Robert Cock*, *Richard Dickson*,

Commissioners.

[Local.]

*Dickson, John Dixon, Wilson Dobing, Thomas Ewbank Clerk, Benjamin Evans Clerk, Thomas Eeles, Joseph Frank, David Bunton Fowler, Benjamin Flounders, Thomas Fall, John Gilpin Clerk, Thomas Robinson Grey, William Grey, William Gent, John Grant, Charles Baillie Hamilton Clerk, Archdeacon of Cleveland, George Hutchinson, Henry Hutchinson, John Hutchinson, John Hogg, John Hixon, Thomas Hutchinson, Anthony Hall, Richard Jackson, Thomas Jennett, Robert Jordison, Martin Kirtley, John Langley, John Lodge, the Rector of Longnewton for the Time being, Alexander M'Gregor Murray, Thomas Maude, George Moss, William Milburne, William Musgrave, Henry Markham, the Vicar of Norton for the Time being, John Peacock, John Proctor, Marshall Robinson, John Russell Rountree, Leonard Raisbeck, William Richmond, Francis Richardson Richmond, Thomas Richmond, Cuthbert Robinson, William Skinner, William Skinner junior, George Sutton, William Sleigh Esquire, William Sleigh Jeweller, Wilfred Sadler, Henry Stapylton, John Stapylton, John Starkey Clerk, Samuel Smith, William Sanderson, Thomas Storey Clerk, Henry Story, John Stagg, Thomas Stanwix, the Mayor and Aldermen of Stockton for the Time being, the Vicar of Stockton for the Time being, Thomas Allison Tennant, George William Todd, Jonathan Thompson, Richard Wright, William Wilson, Robert Wilson, Matthew Wadeson, Richard Walker the elder, Thomas Walker, Richard Walker the younger, George Wray Doctor of Physic, John Wilkinson, Jasper Whitfield, and the several other Persons from Time to Time to be elected and appointed in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for lighting, paving, cleansing, and otherwise improving the said Town and Borough of Stockton, and for putting this Act into Execution.*

Appoint-  
ment of new  
Commis-  
sioners.

II. And be it further enacted, That in case any of the Commissioners appointed or hereafter to be appointed under or by virtue of this Act shall die, or shall refuse or become incapable to act as a Commissioner in the Execution of this Act, then and so often it shall be lawful for the surviving or remaining Commissioners under this Act, or any Five or more of them, assembled at the then next or some subsequent Meeting which shall be held by virtue of this Act, and they are hereby required (the Death or Refusal to act, or Disability of the Commissioner or Commissioners so dying, or refusing or becoming incapable to act as aforesaid, and the intended Election of his or their Successor or Successors being expressed in the Notice or Summons for such Meeting) to elect and appoint a Commissioner in the Room and Stead of every such Commissioner so dying, or refusing or becoming incapable to act as before mentioned; and every such Commissioner so from Time to Time elected and appointed as herein-before is directed shall be joined with the other Commissioners, and have the like Powers and Authorities vested in him, in all respects whatsoever, for putting this Act in Execution, as if he had been named a Commissioner in and by this Act.

Commis-  
sioners to  
take an Oath.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (otherwise than in administering the Oath herein-after mentioned), unless he shall have taken and subscribed an Oath to the following Effect, (which Oath any one of the said Commissioners is hereby empowered to administer);

I A. B. do swear, That I will well and truly execute and perform all Oath.  
 and every the Powers and Authorities vested in me, by virtue of an  
 Act made in the First Year of the Reign of King George the Fourth,  
 intituled [*here set forth the Title of this Act*], according to the best of  
 my Skill and Judgment. So help me GOD.

IV. And be it further enacted, That the said Commissioners appointed Meeting of  
 by this Act shall meet at the Town House in *Stockton* aforesaid, or at some Commis-  
 other convenient House there, on the Second *Tuesday* next after the passing sioners.  
 of this Act, or as soon afterwards as conveniently may be; and the said  
 Commissioners shall proceed in the Execution of this Act, and shall  
 afterwards meet at the same or some other convenient House in *Stockton*  
 aforesaid, on the Second *Tuesday* in the Months of *January, April, July,*  
 and *October*, in every Year, for the Purpose of carrying this Act into  
 Execution, without any Notice being given to the said Commissioners of  
 such Meetings.

V. Provided always, and be it enacted, That it shall be lawful for the Adjourn-  
 Commissioners assembled at such Meetings, or any one of them, to adjourn ments.  
 for any shorter Space of Time, and to meet at the Place aforesaid, or at  
 any other convenient House in *Stockton* aforesaid; but in every such Case  
 Notice of such adjourned Meeting, in Writing or Print, to which Notice  
 the Name of the Clerk to the said Commissioners shall be subscribed or  
 printed, shall be fixed on the Market Cross in *Stockton* aforesaid, and also  
 be delivered at the Place of Abode of such of the said Commissioners as  
 shall be resident in *Stockton* aforesaid, at least Two Days before the Time  
 appointed for the same; and that at all Meetings to be held in pursuance  
 of this Act the said Commissioners shall defray their own Expences (except  
 for the Use of the Room or Apartment where such Meetings shall be held,  
 which shall be paid for out of any Monies to be received by virtue of this  
 Act); and no Act of the said Commissioners shall be valid unless made or  
 done at some Meeting to be held by virtue of this Act; and that all  
 Powers and Authorities by this Act granted to or vested in the Commis-  
 sioners appointed or to be appointed by or by virtue of this Act, shall from  
 Time to Time be exercised by the major Part of them present at their  
 respective Meetings to be holden as aforesaid, the Number of such Com-  
 missioners present not being less than Five, except only in the Cases herein  
 mentioned, as requiring a greater or less Number of them; and that in  
 all Cases the said Commissioners shall vote by Ballot, in case the same  
 shall be desired by any Three or more of the said Commissioners then  
 present; and in all Cases where the Number of Votes upon any Question  
 shall be equal (including the Chairman's Vote) the Chairman shall have  
 the casting Vote; and at every Meeting to be held under or in pursuance  
 of this Act, the first Business thereof shall be the Election of one of the  
 Commissioners present to be Chairman to preside at the same Meeting.

VI. And be it further enacted, That if it shall at any Time or Times be Meeting on  
 thought necessary that a Meeting of the Commissioners should be held Emergencies.  
 on an earlier Day than the Day to which such Meeting shall have been  
 lastly adjourned, or on which a Meeting is by this Act appointed to be  
 held, then and in every such Case the Clerk to the said Commissioners  
 (an Order signed by Three or more of the said Commissioners mention-  
 ing the Time, Place, and Purpose of such earlier Meeting, being given or  
 left

left at his usual Place of Abode or Office), shall forthwith give Notice of the Meeting to be holden on such earlier Day in Manner before directed, and of the Time, Place, and Purpose which shall be mentioned in the Order of the said Commissioners (such Time not being less than Two Days after such Notice); and all Proceedings of the said Commissioners at such earlier Meeting shall be as good and valid as they would have been in case such Commissioners had met in pursuance of any Adjournment.

No Order to be revoked unless by a greater Number of Commissioners than made the Order.

Proceedings to be entered in a Book.

VII. And be it further enacted, That no Order made by the said Commissioners shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be holden for that express Purpose, nor unless a greater Number of Commissioners shall attend at such Meeting to revoke or alter such Order than were present when such Order was made; any thing herein contained to the contrary thereof notwithstanding.

VIII. And be it further enacted, That there shall be provided and kept a proper Book or Books, in which fair and regular Entries shall be made of all Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of the Commissioners who shall be present at the respective Meetings to be holden in pursuance of this Act; and such Entries being signed by the Chairman of each respective Meeting, shall be deemed Originals, and shall be allowed to be read in Evidence in all Courts whatsoever, and elsewhere, concerning any thing done in pursuance of this Act; and such Book and Books shall at all Meetings of the said Commissioners be open and liable to their Inspection, and to the Inspection of all Persons affected by this Act, without Fee or Reward.

Accounts to be kept.

IX. And be it further enacted, That the said Commissioners shall and they are hereby required 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 received, paid, laid out, and expended in the Execution of this Act, and the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times be open to the Inspection of the said Commissioners, and any Creditor or Creditors on the Rates hereby authorized to be made, without Fee or Reward; and the said Commissioners and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying anything for the same; and in case the Clerk shall refuse to permit, or shall not permit any of the said Commissioners or Creditors to inspect such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Appointment of Officers.

X. And be it further enacted, That the said Commissioners shall and may from Time to Time, whenever they shall think necessary, by Writing under their Hands, appoint and employ a Treasurer or Treasurers, Clerk, Collector or Collectors, Receiver or Receivers of the Rates, Assessments, and Monies herein mentioned, and such other Officer and Officers, Person and Persons, for the Execution of this Act, as the said Commissioners shall think proper, and from Time to Time remove them,  
or

or any of them, and in like Manner appoint others in the Room of those removed; and out of the Monies to be raised by virtue of this Act pay such Salaries, Wages, or Allowances to the said Officers and other Persons as the said Commissioners shall think reasonable; and the said Commissioners shall and they are hereby required to take such sufficient Security from every such Treasurer and other Officer for the due Execution of his Office as they shall think proper; and all such Officers so to be appointed shall under their Hands (at such Time and Times, and in such Manner as the said Commissioners shall direct) deliver to the said Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Monies which shall have been received by such Officers and Persons respectively, by virtue of this Act, and how much thereof hath been disbursed and paid, and for what Purposes, together with the Vouchers for such Payment, and shall pay all such Monies as shall remain due from them respectively to the said Commissioners, or to such Person or Persons as they shall appoint; and if any such Officer or Person shall refuse or wilfully neglect to make and render any such Accounts, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or neglect to deliver to the said Commissioners, or to such Person or Persons, as they shall appoint, within Ten Days next after being thereunto required by the said Commissioners, by Notice in Writing, signed by their Clerk, to be given or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give Satisfaction respecting the same, then in every such Case, upon Complaint made by the said Commissioners, or any Three or more of them, or by any Person or Persons whom they shall appoint for that Purpose, of any Neglect or Refusal as aforesaid, to any Justice of the Peace for the County, City, Town Corporate, or Place wherein such Officer or Person so neglecting or refusing shall reside or be, such Justice may and he is hereby authorized and required, by a Warrant under his Hand and Seal, to cause the Officer or Person so refusing or neglecting to be brought before him, and upon his appearing, or having been summoned and not appearing, without some reasonable Excuse to be allowed by such Justice, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be due from such Officer or Person, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling such Goods and Chattels; or if it shall appear to such Justice that such Officer or Person shall have refused or wilfully neglected to render or 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 the Custody or Power of such Officer or Person, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in

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any

any of the Cases aforesaid such Justice shall commit such Offender to the Common Gaol or House of Correction for the Borough, County, City, Town Corporate, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize, until he shall have made a true and perfect Account and Payment as aforesaid, or until he shall have compounded with such Commissioners for such Money, and shall have paid such Composition, which the said Commissioners are hereby empowered to make and receive, and until he shall have delivered up such Books, Papers, and Writings as aforesaid, or shall have given Satisfaction in respect thereof to the said Commissioners; provided that no Person who shall be committed by virtue of this Act, on account of his not having sufficient Goods or Chattels, shall be detained in Prison for any longer Term than Six Calendar Months; provided also, that if any Money shall remain due from such Officer or Person, Officers or Persons, the Commitment of him or them to Prison shall not be deemed a Discharge for the same, nor exonerate his or their Surety or Sureties; but such Officer or Person, Officers or Persons, and his and their Surety or Sureties, shall remain liable to the Payment thereof, in the same Manner as if such Officer or Person had not been committed to Prison.

Appointment  
of Officers in  
case of  
Death.

XI. And be it further enacted, That if any Collector or Receiver of the Monies to be levied by the Authority of this Act shall die or become incapable of acting in the Execution of this Act, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, though not assembled at a Meeting in pursuance of this Act, by any Writing under their Hands, to appoint any Person to be Collector or Receiver of the Monies, until a Collector or Receiver shall be appointed by the said Commissioners at a Meeting to be holden in pursuance of this Act; any thing herein contained to the contrary notwithstanding.

Clerk and  
Treasurer to  
be different  
Persons.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the same Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, to be 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, to be the Clerk to the said Commissioners for executing this Act; 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 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, Wager of Law, nor more than one Imparlance, shall be allowed.

Commission-  
ers to sue and  
be sued in  
the Name of  
the Clerk.

XIII. And be it further enacted, That the Commissioners appointed and to be appointed by and under this Act shall and may sue and be sued, and take all Bonds or Securities in the Name or Names of their Treasurer or Treasurers or Clerk for the Time being, to be appointed under this Act or either or any of them; and that no Action or Suit which may be brought by or against the said Commissioners, or any of them,

them, in relation to this Act, in the Names of their Treasurer or Treasurers, or Clerk, shall abate or be discontinued by the Death or Removal of such Treasurer or Treasurers, or Clerk, or by the Act of him or them, without the Consent of the said Commissioners (as the Case may be), but the Treasurer or Treasurers, or Clerk, for the Time being shall always be deemed Plaintiff or Plaintiffs, Defendant or Defendants, in every such Action or Suit (as the Case may be); provided always, that all and every such Treasurer or Treasurers, or Clerk, shall be reimbursed out of the Monies to be raised by virtue of this Act, all such Costs, Damages, and reasonable Expences as he or they shall be put unto or become charged or chargeable with by reason of his or their so being made Plaintiff or Plaintiffs, Defendant or Defendants as aforesaid; provided that the Action or Defence shall be prosecuted or carried on and continued (as the Case may be), with the Consent of the said Commissioners.

XIV. Provided always, and be it enacted, That in any Action to be brought by the said Commissioners against the Treasurer or Treasurers, or Clerk for the Time being, the same shall be commenced and prosecuted in the Name of one of the Commissioners for executing this Act; and that no such Action shall abate or be discontinued by reason of the Death or Resignation, or by the Act of such Commissioner, without the Consent of the Commissioners for executing this Act, or any Five or more of them; but that such Commissioner in whose Name any such Action shall be brought shall be deemed to be Plaintiff in every such Action, and shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act all such Damages, Costs, Charges, and Expences as by the Event or in consequence of any such Action or Proceeding he shall pay, bear, expend, or be put unto, or become chargeable with by reason of his being made such Plaintiff as aforesaid.

Actions against Clerk and Treasurer to be brought in the Name of a Commissioner.

XV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, empowered, and required from Time to Time to cause the several Streets, Squares, and other public Passages and Places within the said Town and Borough, to be from Time to Time lighted, cleansed, and watered, and all Encroachments, Obstructions, Nuisances, and Annoyances therein to be removed, in such Manner as the said Commissioners shall think proper.

Commissioners to cause Streets, &c. to be lighted, cleansed, and watered.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered from Time to Time, and at any Time after the passing of this Act, to order and direct Lamp Irons to be affixed in, to, upon, or against the Walls, Palisades, or other Parts of the Houses, Tenements, Walls or Buildings, within the said Town and Borough, or in any other Manner that they shall think proper and convenient; and to purchase, provide, affix, set up, alter, take down, and renew such and so many Lamp Irons and Lamps, of such Sizes and Sorts, and to erect such Lamp Posts, and in such Places, and in such Manner as to them shall seem necessary or proper for lighting all or any of the Streets, Squares, and other public Passages or Places aforesaid; and also to contract with any Person or Persons for furnishing and producing and for lighting the said Lamps, at such Seasons of the Year, and for so many Hours, as they shall judge necessary.

Lamps to be set up.

XVII. And

Penalty for  
breaking  
Lamps.

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

Watchmen  
to be ap-  
pointed.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to appoint such Number of Watchmen and Patroles to be employed within the said Streets, Squares, and other public Passages and Places, for so long in the Night, under such Regulations, and for such Wages as they shall think proper, and to provide them with proper Arms, Ammunition, Weapons, and Clothing, for the Discharge of their Duty, and also to erect Watch-houses and Watch-boxes in such Place or Places as they may think proper; and if any Watchman or Patrole appointed as aforesaid shall neglect to perform his Duty, or shall in anywise misbehave himself in the Execution of his Office, he shall forfeit and pay any Sum not exceeding Forty Shillings.

Lamps,  
Lamp Posts,  
&c. vested in  
Commis-  
sioners.

XIX. And be it enacted, That all the Lamps, Lamp Irons, Lamp Posts, Watch-boxes, Watch-houses, and other Houses and Buildings which shall be erected or fixed up by virtue of this Act, and all Materials, Implements, and other Things which shall be purchased or provided by the said Commissioners



missioners for the Purposes of this Act, and also all the Dirt, Dust, Dung, Ashes and Filth to be swept, gathered, and collected in and from the several Streets, Squares, and other public Passages and Places within the said Town and Borough, or any of them, shall belong to and be the Property of and are hereby vested in the said Commissioners; and the said Commissioners shall and may cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment, (as the Case may require), against any Person or Persons who shall steal, take, or carry away, detain, spoil, 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 and be deemed and taken to be sufficient to state generally, that the Article or Articles, Thing or Things, for or on account of which Action or Actions shall be brought, or Bill or Bills of Indictment shall be preferred, is or are the Property of the Commissioners for the Improvement of the Town and Borough of *Stockton*, without particularly stating or specifying the Names of all or any of the said Commissioners; and the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose of, for the Purposes of this Act, all or any of the said Articles and Things, or any Part or Parts of the same respectively, to such Person or Persons, and in such Manner as they the said Commissioners shall think proper.

XX. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break, injure, or destroy, or otherwise damage any of the Articles or Things hereby vested in the said Commissioners, or any of the Works done by them in pursuance of this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on  
damaging  
Materials.

XXI. And be it further enacted, That if any Person shall run, drive, or place, or cause to be run, driven or placed, any Coach, Cart, Waggon, Dray, Truck, Sledge, Wheelbarrow, Handbarrow, or any Carriage whatsoever, upon or over any of the Foot Pavement or Causeways within the said Town or Borough, or shall wilfully ride, drive, or lead any Horse, or other Beast or Cattle, or shall roll any Cask or Tub (otherwise than for the necessary loading or unloading thereof upon or from any Carriage within the Extent of the Premises occupied by such Person), or drag any Timber or Log of Wood along or upon any of the said Foot Pavements or Causeways, or shall permit or suffer to run loose and wander about any of the said Streets, Squares, or other public Passages or Places, any Horse or other Beast, Swine or Cattle, or shall kill, slaughter, singe, scald, dress or cut up, or cause to be killed, slaughtered, singed, scalded, dressed, or cut up any Beast or Swine, Calf, Sheep, Lamb, or other Cattle, or permit or suffer any Blood, Filth, or Annoyances whatsoever to run or drain from any Slaughter House, Stable Yard, or Premises in or upon any of the said Streets, Squares, or other public Passages or Places; or shall hoop, cleanse, or wash or scald any Casks, or hew or saw or cause to be hewed or sawed any Stone, Wood, or Timber, or bind or make the Wheel of any Carriage, or shoe, bleed, dress, or farry any Horse or other Beast, or set, place, or expose to Sale any Goods, Wares, or Merchandizes, either in the Footways or Carriageways of any of the said Streets, Squares, or other public Passages or Places; or shall hang up, place, or expose to Sale any Goods,

Penalty on  
occasioning  
Nuisances.

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Wares,

Wares, or Merchandizes whatsoever, or any Fruit, Vegetables, Garden Stuff, Butchers Meat, or other Matter or Thing on or projecting over any of the said Foot or Carriageways, so as to obstruct or incommode the Passage of any Person or Carriage, or shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to, or throw, or wantonly fire off or discharge any Gun, Pistol, or other Fire-arms, Squibs, Rockets, Serpents, or Fireworks whatsoever, or play at Football, or any other Game or Games; or shall wilfully break, aid or abet, or assist in wilfully breaking any Glass or Window Panes, or Windows, in or belonging to any Dwelling House or Building in any Part or Parts of the said Streets, Squares, or other public Passages or Places, to the Annoyance of any Passenger or Passengers, or shall in any Manner obstruct or incommode, or hinder or prevent the free Passage of any Footway or Carriageway, or shall wilfully prejudice or annoy in any Manner whatsoever, any Person or Persons travelling or passing thereon; or shall sift, screen, or slack any Lime (except within a Hoard or Inclosure to be allowed of by the said Commissioners); or shall carelessly or wilfully break or damage any Foot Pavement in any such Street, Square, or other public Passage or Place, or cause the same to be broken or damaged, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings.

Penalty for leaving Carriages, &c. in the Streets.

XXII. And be it further enacted, That if any Waggon, Cart, Dray, or Timber Carriage, shall be left to stand or remain in any of the Streets, Squares, or other public Passages or Places within the said Town or Borough of *Stockton*, with or without Horses, for any longer Time than shall be reasonable and necessary for the loading or unloading thereof, or in case the same shall not during such Time be standing as near to the Side of such Street, Square, public Passage or Place, as conveniently may be; or if any Stage Coach shall be left to stand or remain in any of such Streets, Squares, or other public Passages or Places, with or without Horses, or for any longer Time than shall be reasonable and necessary for taking up or setting down Passengers, or for loading or unloading thereof; or if any Horse shall be suffered to stand at the Door or House of any Person so as to obstruct or incommode the Passage of any of the said Footways; or if any Timber, Bricks, Stones, Wood, Goods, or other Things shall be laid or placed, or left to remain in any of the said Streets, Squares, or other public Passages or Places, for any longer Time than shall be necessary for removing or housing the same; or if any Dung, Ashes, Rubbish, Dirt, Dust, or other Nuisance or Annoyance, shall be thrown, cast or laid in any of the said Streets, Squares, or other public Passages or Places, and suffered to remain for any longer Time than shall be necessary for removing the same, then and in every such Case the Owner or Driver of every such Carriage, and the Owner of such Timber or other Things as aforesaid, and the Person who shall throw, cast, or lay any Dung, Ashes, Rubbish, Dirt, Dust or other Nuisance or Annoyance as aforesaid, or otherwise offend in the Premises, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, nor less than Five Shillings; and if any such Timber or other Things, or such Dung, Ashes, Rubbish, Dirt, Dust, or other Nuisance or Annoyance, shall be suffered to remain in any of the said Streets, Squares, or other public Passages or Places, longer than shall be necessary as aforesaid, any Surveyor of the Highways for the said Town or Borough, or any Person to be employed by the said Commissioners,

Commissioners, is hereby authorized and empowered to cause the same to be removed to such Place as he shall think proper, and the Expence thereof shall be paid by the Person liable to the Payment of the said Penalty, and shall and may, in case of Nonpayment on Demand, be recovered in like Manner as any Penalty is herein-after authorized and directed to be recovered.

XXIII. And be it further enacted, That if any Horse, Beast, Cattle, or Swine, shall at any Time be found wandering about any of the Streets, Squares, or other public Passages or Places within the said Town or Borough of *Stockton*, it shall be lawful for any Person or Persons to be appointed by the said Commissioners, or any Inhabitant of the said Town, to seize such Horse, Beast, Cattle or Swine, and impound the same in the common Pound of the said Town, or in such other Place as the said Commissioners shall appoint, and the same there to detain until the Owner or Owners thereof shall for each Horse, Beast, Swine, or Head of Cattle so impounded, pay a Sum of Money not exceeding Twenty Shillings to the Treasurer for the Time being to the said Commissioners, to be applied for the Purposes of this Act, and also the Sum of One Shilling to the Person impounding the same, besides the reasonable Charges and Expences of impounding and keeping the same; and in case the said Sums, Charges, and Expences shall not be paid within Seven Days after such impounding, it shall be lawful for the Pound Keeper, or such other Person as shall be appointed by the said Commissioners for that Purpose, to sell the Horse, Beast, Cattle, or Swine so impounded, or cause the same to be sold, giving Two Days previous Notice of the intended Sale to the Owner or Owners of such Horse, Beast, Cattle or Swine; or if the Owner thereof cannot be found, causing Three Days public Notice of such intended Sale to be given by the Public Town Crier of the said Town or Borough of *Stockton*, by Proclamation; and the Money arising by such Sale, after deducting the said Sums, and the Charges and Expences aforesaid, and of such Notice and Sale, shall be paid to the said Treasurer, to be by him paid to the Person, whose Property the Horse, Beast, Cattle or Swine so sold shall appear to have been, upon his or her claiming the same.

Beasts wandering in the Streets may be impounded.

XXIV. And be it further enacted, That in case any Slaughter House, Hog Sty, or other noisome Building, being in or near any of the said Streets, Squares, or other public Passages or Places, shall annoy or be offensive to the Inhabitants of the said Town or Borough, or shall be a Nuisance, in the legal Acceptation of that Term, it shall be lawful for the said Commissioners, upon Complaint being made thereof to them by any Person or Persons, by Notice in Writing under their Hands, or the Hand of their Clerk, to order any such Nuisance to be removed; and in case the same shall not be removed (within Two Days after such Notice shall be given to the Person or Persons who ought to remove the same), such Person or Persons shall forfeit and pay any Sum not exceeding Forty Shillings, for every Day that the same shall remain unremoved after the Expiration of the said Term, the same to be recovered in like Manner as any Penalty or Forfeiture is by this Act authorized to be recovered.

Commissioners may order offensive things to be removed.

XXV. And be it further enacted, That from and after the passing of this Act all Persons occupying Houses, Buildings, Tenements, Shops, Warehouses,

Inhabitants to sweep Pavements

opposite to  
their Houses.

Warehouses, Yards, Gardens, or Stables in any of the Streets, Squares, or other public Passages or Places within the said Town or Borough of *Stockton*, shall cause to be swept and cleansed the Footways, Paths, and Pavements, the whole Length of the Front of their respective Houses, Buildings, Tenements, Shops, Warehouses, Yards, Gardens, or Stables, to the full Extent of the Foot Pavement before the same, between the Hours of Seven and Ten of the Clock in the Forenoon, Once or oftener in every Week, as the said Commissioners shall from Time to Time order and require; and also in Times of Frost or Snow shall cause all the Ice and Snow to be swept and removed from such Foot Pavements from Time to Time, within Two Hours after they shall be required so to do by the said Commissioners, or any Three or more of them, upon pain of forfeiting and paying any Sum of Money not exceeding Ten Shillings, nor less than Five Shillings, for every Neglect therein.

Rates to be  
made.

XXVI. And, for raising Money to enable the said Commissioners to carry the several Purposes of this Act into Execution, be it further enacted, That One or more Rate or Rates, Assessment or Assessments, shall be laid or assessed by the said Commissioners, Once or oftener in every Year, as they shall judge it needful, upon Messuages, Tenements, Houses, and other Buildings, Yards, Gardens, and Tolls of Fairs and Markets for the Time being, within the said Town and Borough of *Stockton*, or the Precincts thereof, in any Sum not exceeding in the whole One Shilling in the Pound in any One Year, of Two Third Parts only of the Annual Value to let for the Time being of such Messuages, Tenements, Houses and other Buildings, Yards, Gardens and Tolls respectively; and the first Year for which such Rate or Assessment shall be made shall commence and be computed from the First Day of *September* One thousand eight hundred and twenty, and the Money so to be rated or assessed shall from Time to Time be levied upon and paid by the Tenant or Occupier of such Messuages, Tenements, Houses and other Buildings, Yards, Gardens, and Tolls respectively, by Quarterly or other Payments, to such Person or Persons as the said Commissioners shall appoint to be Collector or Collectors of the same, to be by him or them paid over to the Treasurer or Treasurers of the said Commissioners; and so that no Messuage, House, Shop, Warehouse, Building, Garden or Yard, situate out of the Precincts of the said Town and Borough, shall be rated or chargeable to any such Rate or Assessment.

Lessees of  
Houses let to  
Lodgers to  
pay Rates.

XXVII. And be it further enacted, That the Lessee, Landlord, or Owner of every House within the said Town or Borough of *Stockton*, which is or shall or may be let out ready-furnished to a Lodger or Lodgers, shall be liable or subject to the Rates or Assessments directed by this Act to be made, raised and levied, according to Two Third Parts of the yearly Value of the Premises; and that every Person renting or occupying any such ready-furnished House as aforesaid, shall be liable and compellable to the Payment of the said Rates or Assessments, not exceeding in any Case the Amount of the Rent reserved or payable for the same, to be recovered in Manner herein-after mentioned; and that every such respective Occupier or Occupiers who shall pay any such Rate or Assessment, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same from and out of his or her next Rent, and the Lessee, Landlord, or other Person or Persons who shall be in the actual Receipt of the Rack

or

or improved Rent of such House, is and are hereby required to allow the same accordingly, and the Receipt for such Payment shall be a sufficient Discharge for such Tenant or Tenants, Occupier or Occupiers, for so much Money as he, she, or they shall pay, or as shall be levied on him, her, or them by virtue of this Act.

XXVIII. Provided always, and be it further enacted, That no Person or Persons who by reason of his, her, or their Poverty or Inability only is, are, or shall be excused from the Payment of, or shall be left out of the Rates or Assessments made for the Relief of the Poor of the said Town and Borough of *Stockton*, shall be subject or liable to be rated or assessed in any Rate or Assessment to be made by virtue of this Act.

Poor Persons not to be assessed.

XXIX. And be it further enacted, That it shall be lawful for any Person or Persons, having an Order under the Hands of any Three or more of the said Commissioners, to inspect and take Copies of or Extracts from all or any Rates made for raising Money for the Relief and Maintenance of the Poor within the Town and Borough of *Stockton* aforesaid; which Inspections, Copies or Extracts, the Person or Persons having the Custody of such Rates respectively are hereby required to permit and suffer to be made, without Fee or Reward, upon Production of such Order; and in case any Person having the Custody of any such Rates shall neglect or refuse so to do within Three Days after such Order shall have been produced and shown to him, or a Copy thereof left at his usual Place of Abode, he shall for every such Neglect or Refusal forfeit and pay any Sum not exceeding Five Pounds.

Poor Rates may be inspected.

XXX. And be it further enacted and declared, That the Book of Rates to be delivered to the Collectors or other Officers to the said Commissioners, and all Entries afterwards made therein, or examined Copies thereof respectively, being signed by any Three or more of the said Commissioners, shall be received as Evidence of the Rates imposed by virtue of this Act, and of the Payment of such of them, or any Part thereof, as shall by such Entries appear to have been paid to such Collectors,

Rate Book Evidence.

XXXI. And for better enforcing Payment of the Rates or Assessments to be made by virtue of this Act, be it further enacted, That if any Person or Persons liable to pay any of the Rates or Assessments to be made by virtue of this Act shall refuse or neglect to pay the Money rated or assessed upon him, her, or them, and all Arrears due thereon; or if any Person or Persons liable to pay any of the said Rates or Assessments shall at any Time begin to remove his, her, or their Goods, Chattels, Furniture, Cattle or other Effects from the Messuage, Building, Land, Tenement, Hereditaments or Premises in his, her, or their Occupation, within the said Town or Borough of *Stockton*, or to sell and dispose of, or cause to be sold or disposed of, such Goods, Chattels, Furniture, Cattle or other Effects therein by public Auction, or sell, dispose of, or carry away his, her, or their Goods, Chattels, Furniture, Cattle or other Effects as aforesaid, without first paying all Arrears due or rated in respect of such Messuage, House, Building, Lands, Tenements, Tolls, Hereditaments, or Premises (including the current Quarter which shall be considered as due), that then and in any of the said Cases it shall be lawful for the Collector or Collectors for the Time being, to be appointed in pursuance of this Act,

Arrears of Rates how to be recovered.

to collect and levy such Rates and Assessments, and all Arrears due thereon, and the Rate or Assessment for such Quarter wherein such Removal or Sale shall begin to be made as aforesaid, in case the same shall not be forthwith paid, (although previous to the Time for the Payment of the Rate or Assessment for such Quarter), by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County of *Durham*, by Distress and Sale of the Goods, Chattels, Furniture, Cattle and other Effects of or belonging to the Person or Persons whose Rate or Rates shall then be due or payable as aforesaid; and if within Four Days next after such Distress shall be made, the said Rates or Assessments, and all Arrears due thereon, together with the reasonable Costs and Charges of taking and keeping the said Distress, shall not be paid, the said Collector shall cause the said Goods, Chattels, Furniture, Cattle and other Effects to be appraised and sold, or such Part thereof as shall be sufficient to pay such Rates or Assessments, together with all Arrears due thereon, and the reasonable Costs and Charges of making such Distress, and of keeping and selling the same, returning the Overplus (if any) to the Owner or Owners of such Goods, Chattels, Furniture, Cattle, and other Effects respectively.

For compelling  
Payment  
of Subscrip-  
tion.

XXXII. And be it further enacted, That the several Persons who have become Subscribers towards defraying any Part of the Expences of obtaining and passing this Act, and carrying the same or any Part of it into Execution, and every of them, and all and every Person or Persons who shall hereafter become a Subscriber or Subscribers for the Purposes aforesaid, and his, her, or their Heirs, Executors, or Administrators, shall within Twenty-one Days next after Notice in Writing under the Hand of the Treasurer or Clerk to the said Trustees shall have been given or delivered to him, her, or them, or left at his, her, or their Dwelling or usual Place of Abode, make full Payment of the respective Sums of Money so by him, her, or them subscribed, or agreed to be subscribed as aforesaid, or such Part or Parts thereof as may be required in such Notice; and in case any such Person or Persons, his, her, or their Executors or Administrators, shall refuse, neglect, or fail to make such Payment as aforesaid, then and in every such Case it shall be lawful for the said Commissioners to bring or cause to be brought any Action of Debt, or on the Case, Bill Plaintiff or Suit, against the Person or Persons so refusing or neglecting as aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, or the Court of Pleas at *Durham*, wherein no *Essoin*, Protection, or *Wager of Law*, nor more than One *Imprance* shall be allowed; and on Proof of such Person or Persons having so subscribed, or agreed to subscribe, and such Notice being given as last aforesaid, such respective Sum or Sums so subscribed, or agreed to be subscribed, or so much thereof as shall be required to be paid by such Notice, shall be recovered with full Costs of Suit.

Commissioners  
may borrow  
Money.

XXXIII. And for the more speedy and effectual raising of Money for the Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered from Time to Time, to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the whole the Sum of Two thousand Pounds at any one Time, upon the Credit of the Rates or Assessments hereby granted, and by Writing under their Hands and Seals to mortgage or assign over

the said Rates or Assessments, or any Part thereof, to the Person or Persons who shall advance or lend such Money, or his, her, or their Trustee or Trustees, as a Security for the Money so to be borrowed, together with Interest for the same; and every such Mortgage or Assignment may be according to the Form following; (that is to say),

‘ BY virtue of an Act, passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled [*set forth the Title of this Act*], we, being of the Commissioners appointed by virtue of the said Act, in Consideration of the Sum of paid to us by *A. B.* [*insert the Name, Place of Abode, and Addition of the Lender*], for the Purposes of the said Act, do grant and assign, unto the said *A. B.* his Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments arising by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates or Assessments; to be had and holden from this Day until the said Sum of with Interest henceforth for the same, at the Rate of *per Centum per Annum*, to be paid Half-yearly, shall be fully repaid and satisfied. In Witness whereof, we have hereunto set our Hands and Seals, this Day of in the Year of our Lord

Form of the Mortgage.

And every such Mortgage or Assignment shall be good, valid, and effectual in the Law, provided that the whole Sum to be charged on the Credit of the said Rates or Assessments shall not at any Time exceed the Sum of Two thousand Pounds; provided always, that in case the said Commissioners shall think it advisable or raise all or any Part of the Money necessary for the Purposes aforesaid, by the granting of Annuities for the Life or Lives of any Person or Persons, then it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by any Writing or Writings under their Hands and Seals, to grant any Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners, any Sum or Sums of Money for the absolute Purchase of any such Annuity or Annuities to be paid and payable during the natural Life of every such Contributor, or the natural Life of every such Person as shall be nominated by or on Behalf of such Contributor at the Time of the Payment of his or her Contribution or Purchase Money; and the Grant of every such Annuity may be according to the Form following; (that is to say),

Money may be raised on Annuities.

‘ BY virtue of an Act passed in the First Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], we, being of the Commissioners appointed by virtue of the said Act, in Consideration of the Sum of paid to us by *A. B.* [*insert the Name, Place of Abode, and Addition of the Lender*], for the Purposes of the said Act, do hereby grant unto the said *A. B.* his Executors, Administrators, and Assigns, One Annuity or yearly Sum of out of the Rates or Assessments arising by virtue of the said Act; which Annuity or yearly Sum of shall be paid to the said *A. B.*, his Executors, Administrators, and Assigns, at the Town House in *Stockton* aforesaid, Quarterly, upon the Day of the Day of , the Day of , and the Day

Form of Grant of Annuity.

‘ Day of                    in every Year, during the natural Life of                    ;  
 ‘ the First Payment thereof to be made upon the                    Day of  
 ‘ next ensuing the Date hereof: In Witness whereof we have hereunto  
 ‘ set our Hands and Seals, this                    Day of                    in the  
 ‘ Year of our Lord

Annuities  
 charged upon  
 Rates, &c.

And every such Grant shall be a good, valid, and effectual Security in Law for the Payment of such Annuity; which said several Annuities so to be purchased shall be made payable and be paid Quarterly during the natural Lives of such Contributors respectively, or the natural Life or Lives of such other Person or Persons as shall be nominated by such respective Contributors; and a proportionate Part of each Annuity shall be paid from the last Quarter-day Payment to the Day of the Death of the Annuitant, or his or her Cestuique Vie; and the said Commissioners shall pay the said Annuities freed and discharged from every Tax and Deduction whatsoever.

Rate of An-  
 nuities on  
 single Lives  
 limited.

XXXIV. And for preventing any improvident Grant 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 than the following; (that is to say), when the Age of the Annuitant, or the 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 Three Shillings for each One hundred Pounds of the Consideration 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 Eight Pounds 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 Twelve Shillings for each One hundred Pounds Consideration Money; where the Age of such Person shall not exceed Fifty-five Years, the Annuity shall not exceed the Rate of Ten Pounds 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 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 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 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 Ten Shillings for each One hundred Pounds of the Consideration Money.

Power to  
 borrow  
 Money at  
 lower In-  
 terest to dis-  
 charge Secu-  
 rities at  
 higher.

XXXV. And be it further enacted, That in case the said Commissioners can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Mortgages, Assignments, or Securities which shall be then in force shall bear, it shall be lawful for the said Commissioners from Time to Time to charge the said Rates or Assessments, in Manner aforesaid, with such Sum or Sums of Money as they shall think fit



fit or proper, and the Interest thereof at such lower Rate aforesaid; and to pay off and discharge the Mortgages, Assignments, and Securities bearing a higher Rate of Interest.

XXXVI. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money borrowed, or for the Annuities granted as aforesaid, by Writing under their Hands, to transfer the same respectively to any Person or Persons, according to the Form following, or any other Form of Words to the like Purport or Effect, as the Case may be; (*videlicet*),

Mode of transferring Securities.

‘ I *A. B.* [*insert the Name, Place of Abode, and Addition of the Person assigning*] do hereby assign the within Mortgage, [*or, Grant of the within-mentioned Annuity*], and all my Right and Title in and to the Principal Money and Interest [*or, Annuity*], and all Arrears now due thereon, and thereby secured, unto *C. D.* [*insert the Name, Place of Abode, and Addition of the intended Assignee*], his Executors, Administrators, and Assigns. Dated this Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_.’

And Entries or Memorials of all such Mortgages or Assignments, and the Grants of Annuities which shall be made in pursuance of this Act, and of all Transfers thereof, expressing in Words at length the Name, Additions, and Places of Abode, and other Descriptions of all such Persons as shall from Time to Time be entitled to the Principal Money and Interest, or the Annuities thereby respectively secured; shall be entered in a Book to be kept for that Purpose, by the Clerk to the said Commissioners, to which Book any Person interested shall at all Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for the Entry of every such Transfer or Assignment the said Clerk shall be paid Five Shillings, and no more; and every such Transfer or Assignment, after such Entry thereof as aforesaid; shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, or Assigns, to the Benefit of the Security or Grant thereby transferred; and all Persons to whom such Mortgages, Assignments, or Grants of Annuities shall be made, or who shall be entitled to the Monies or Annuities thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments, equally one with another, without any Preference in respect to the Priority of advancing such Money, or the Dates of any such Mortgages, Assignments, or Grants respectively.

Entries to be made of Securities.

XXXVII. And be it further enacted, That all the Money to arise by the said Rates, Assessments, and other Monies hereby granted, or to be levied or recovered by virtue of this Act, and which may be borrowed on the Credit thereof, shall be paid to the Treasurer to the said Commissioners, or to such other Person or Persons as they shall appoint, and shall be applied and disposed of, in the first place, in paying and defraying the Charges and Expences which shall be incident to and attending the obtaining and passing this Act, and in the next place, in paying and discharging the Interest of the Monies which shall be borrowed, and the Annuities which shall be granted under this Act, and then from Time to Time in defraying the Charges and Expences of lighting, cleansing, and watching the Streets, Squares, and other public Passages and Places, of and in the said Town and Borough, and in defraying and paying all Ex-

Application of the Money.

[*Local.*]

20 K

pences

pences which the said Commissioners and other Officers shall necessarily sustain and be put unto in carrying this Act into Execution, or in prosecuting or defending any Prosecutions, Actions, or Suits, in any Manner relative to the Execution of this Act, or of any thing to be done under or by virtue of the same, and for such other Uses and Purposes as are herein expressed, and the Residue of all such Monies shall be paid and applied in reducing, paying off, and discharging all such Principal Sums as shall be borrowed as aforesaid.

Penalty on obstructing Commissioners.

XXXVIII. And be it further enacted, That if any Person or Persons shall at any Time or Times hereafter hinder or molest the Collector or Collectors, or other Officer or Officers, or any Workman or Workmen, or any other Person or Persons whatsoever, who shall be employed by virtue of this Act, or in any Manner concerned in the Execution thereof, in the Performance and Execution of his or their Duty or Work, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalties to be recovered.

XXXIX. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, the levying or recovering whereof is not hereby particularly directed, shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the said County, City, Borough, or Place where such Offender or Offenders shall be or reside (which Warrant such Justice is hereby required and empowered to grant), upon the Confession of the Party or Parties, or upon the Oath of One or more credible Witness or Witnesses (which Oath such Justice is hereby empowered to administer) rendering the Overplus (if any) of the Money arising by such Sale, on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained; and after deducting the Charges of such Distress and Sale, all such Penalties and Forfeitures, when recovered (if not herein directed to be otherwise applied), shall be paid to the Clerk, or the Treasurer of the said Commissioners, and shall be applied to the Purposes of this Act; or in case it shall appear to such Justice, on the Oath of any credible Witness (which Oath any Justice is hereby empowered to administer), or on the Confession of the Offender or Offenders, that such Offender or Offenders hath or have not sufficient Goods and Chattels within the Jurisdiction of such Justice, whereon the Penalty or Forfeiture, and Charges of levying the same, can be raised, or in case sufficient Distress shall not be found after such Warrant shall have been issued, or if such Penalty and Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the said County, City, Borough or Place, there to remain without Bail or Mainprize, for any Time not exceeding Six Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid or satisfied.

Offenders may be detained till Warrant of Distress

XL. Provided always, and be it further enacted, That in every Case in which any Person or Persons shall be convicted of any Offence against this Act, upon which any Penalty or Forfeiture, or any Costs, Charges, or Expences shall be incurred and adjudged to be paid, it shall and may be lawful

lawful to and for the Justice or Justices by or before whom such Offender or Offenders shall be so convicted, and he and they are hereby respectively authorized and required, in case such Offender or Offenders shall not on such Conviction and Adjudication forthwith pay down such Forfeiture and Costs, to detain such Offender or Offenders in safe Custody, in some convenient and proper Place, to be appointed for that Purpose by such Justice or Justices, until such Justice or Justices shall have issued his or their Warrant in Manner herein-before directed for the levying such Forfeiture and Costs upon the Goods and Chattels of such Offender or Offenders, and until it shall have been ascertained, on return made to such Warrant, that such Offender or Offenders respectively hath or have not any Goods and Chattels sufficient whereon to make and levy such Penalty and Costs; any thing herein contained to the contrary notwithstanding.

issued and  
Return made  
thereon.

XLI. And be it further enacted, That it shall be lawful for the said Commissioners to reward any Informer or Informers as they shall think proper, so as such Reward does not exceed One Moiety of the Penalty or Forfeiture proved by the Information of such Informer or Informers to have been incurred; any thing herein contained to the contrary notwithstanding.

Commissioners may re-ward In-formers.

XLII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action for any Irregularity, Trespass, or wrongful Proceeding, if sufficient Tender of Amends shall be made by or on behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any Action, by leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings, or Order and Judgment shall be had, made, or given by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff shall not recover after Tender of sufficient Amends.

XLIII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, he or she may apply to the said Commissioners at their first Meeting to be holden after the Expiration of Five Days after demanding of such Rate or Assessment, and the said Commissioners are hereby authorized and empowered, if they shall think such Person aggrieved, to give such Relief in the Premises as to them shall seem reasonable; and if any Person shall be dissatisfied with the Determination of the said Commissioners therein, or if any Person shall think himself or herself aggrieved by any Matter or Thing to be done in pursuance of this Act, every such Person may appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the County of *Durham*, within Three Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving Fourteen Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Respondent or Respondents, and also to the Clerk to the said Commissioners, and within Five Days after such Notice entering into a Recognizance before some Justice of the Peace of the said County, with a sufficient Surety or Sureties conditioned to try such Appeal,

Appeal.

peal, and abide the Order of and to pay such Costs as shall be awarded by the Justices at such Sessions; and the Justices at such Sessions shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as they shall think proper, and their Determination therein shall be final, binding, and conclusive to all Parties, to all Intents and Purposes.

Justices to amend Rates appealed against without altering the other Rates.

XLIV. Provided always, and be it further enacted, That upon all Appeals from and against any of the Rates or Assessments to be made or imposed by Authority of this Act, the Justice of the Peace (where they shall see just Cause for Relief) shall and are hereby empowered to amend the said Rates or Assessments, in such Manner only as shall be necessary for giving Relief to the Person or Persons so appealing, in case they shall think proper so to do, without quashing or altering such Rates or Assessments with respect to any other Person or Persons mentioned in the same.

Rates and Proceedings not to be quashed for Want of Form, or be removed by Certiorari.

XLV. And be it further enacted, That no Rate or Assessment, or any Proceedings to be had touching any Order made, or other Matter or Thing to be done or transacted in or relating to any Complaint or Appeal, or any Order or Determination thereon in pursuance of this Act, shall be quashed and vacated for Want of Form only, or be removed or removeable into any of His Majesty's Courts of Record at *Westminster* or *Durham*, by Certiorari, or by any other Writ or Process whatsoever; any Law, Statute, or Usage, to the contrary in anywise notwithstanding.

For compelling the Attendance of Witnesses.

XLVI. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before the said Commissioners, or any Justice or Justices of the Peace in and for any County, District, Liberty, Division, or Place whatsoever, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, whether on the Part of the Prosecutors, or of the Person or Persons complained of, and which Summons the said Commissioners, and such Justices as aforesaid, are hereby authorized to issue, where and in such case only as such Commissioners, or such Justice or Justices as aforesaid, (as the Case may be), are made competent by this Act to hear and determine the same; or if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence at any General Quarter Sessions of the Peace for the County of *Durham*, or Adjournment thereof, upon any Appeal by virtue of this Act, whether upon the Part of the Appellant or of the Respondent, and any such Person or Persons so summoned as aforesaid shall refuse or neglect, after Tender of his or her Expences, to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for such his, her, or their Refusal or Neglect, to be approved of by such Justice or Justices, or Commissioners respectively, or appearing shall refuse to be examined upon Oath, and to give Evidence before such Justice or Justices of the Peace or Commissioners as aforesaid, or at any such Sessions or Adjournment thereof, then and in either of the said Cases every such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds.

XLVII. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes and Proceedings whatsoever, relating to or concerning the Execution of this Act, an Inhabitant residing within the said Town or Borough of *Stockton* shall not be deemed incompetent to give Evidence by reason of his being such Inhabitant, or of his being charged with or liable to pay any Rate or Assessment by virtue of this Act.

Inhabitants may give Evidence.

XLVIII. And for the more speedy and easy Conviction of Offenders against this Act, be it further enacted, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words or any other Form or Words to the like Effect, (as the Case shall happen), *videlicet*,

Form of Conviction.

Durham, } BE it remembered, That on the                      Day of  
to wit. }                      in the Year of our Lord  
' A. B. is convicted before me, C. D. one of His Majesty's Justices of the  
' Peace for the said County, [*specifying the Offence, and the Time and*  
' *Place when and where the same was committed, as the Case may be*],  
' and I the said Justice do therefore adjudge him to forfeit and pay the  
' Sum of                      . Given under my Hand and Seal, the Day  
' and Year above mentioned.'

XLIX. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same a Trespasser or Trespassers on account of any Defect or Want of Form in any Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers on account of any Irregularity, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for the special Damage in an Action on the Case.

Persons distraining not to be deemed Trespassers for Want of Form.

L. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done under this Act until Fourteen Days Notice thereof shall be given in Writing to the Clerk for the Time being to the said Commissioners, or after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Meeting at which the Cause of Complaint arose, or after the Fact was committed for which such Action or Suit shall be so brought; and all such Actions or Suits shall be laid and tried in the County where the Cause of Action shall have accrued and not elsewhere; and the Defendant or Defendants in any such Action or Suit may plead the General Issue, and give this Act, and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or that such Action or Suit was brought before Fourteen Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Term for that Purpose herein-before limited, or shall be laid in any other County or

Limitation of Actions.

General Issue.

[Local.]

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Place

Place than as aforesaid, then and in any or either of the said Cases, the Jury shall find for the Defendant or Defendants; and if a Verdict shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in any such Action or Suit shall become nonsuited, or shall suffer a Discontinuance of any such Action or Suit; or if upon Demurrer Judgment shall be given for the Defendant or Defendants, then and in any or either of the Cases aforesaid such Defendant or Defendants shall have Treble Costs, and shall have such and the like Remedy for recovering the same as any Defendant or Defendants hath or have in other Cases by Law.

Commissioners in Commission of the Peace may act as Justices.

LI. And be it further enacted, That all such Commissioners as are or shall be Justices of the Peace, may act as Justices in all Matters under the Authority of this Act, notwithstanding their being Commissioners; and that in all Cases where any Justice or Justices of the Peace is or are authorized by this Act to examine any Person or Persons on Oath or Affirmation, it shall be lawful for such Justice or Justices, and he and they is and are hereby required to administer such Oath.

Public Act.

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

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1820.