



ANNO SEXTO

GEORGII IV. REGIS.

Cap. cxxvii.

An Act for paving, lighting, watching, and improving the City of *York* and the Suburbs thereof, and the Liberty of *Saint Peter* within the said City; and for regulating the Police of the same respectively. [10th June 1825.]

WHEREAS an Act was passed in the Third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better cleansing and enlightening the Streets, Lanes, and Public Ways of the City of York and the Suburbs thereof, and of the Liberty of Saint Peter within the said City, and for keeping the same in Repair and free from Annoyance; and for regulating the Hackney Coachmen and Chairmen, Carmen and Draymen within the same*: And whereas the Provisions of the said Act are found in many respects insufficient for the Purposes for which they were designed: And whereas it is expedient that new Powers and Provisions should be given for the better paving or otherwise keeping in repair, cleansing, draining, lighting, and watching the Streets, Lanes, Public Ways and Places of the said City, Suburbs, and Liberty, and for freeing the same from Annoyances, and for regulating the Hackney Coachmen and Chairmen, Porters and Labourers within the same, and for regulating the Measuring and Sale of Coals and Lime therein, and for regulating the Police of the said City, Suburbs, and Liberty, and for the general Improvement of the same respectively: May it therefore please Your Majesty that it may be enacted; and be it enacted

[Local.] 37 X. by

3 G. 3. c. 48.

Recited Act
repealed.

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 from and after the Eighth Day of *August* next after the passing of this Act, the said Act passed in the Third Year of the Reign of His said late Majesty shall be and the same is hereby declared to be repealed.

Commissioners for the
City:

II. And be it further enacted, That His Majesty's Justices of the Peace for the said City of *York* for the Time being, together with Forty Persons; to be chosen in manner herein-after mentioned, shall be Commissioners for putting this Act into Execution in such Parts of the said City and Suburbs thereof as are not within the Jurisdiction of the Liberty of *Saint Peter*; and that His Majesty's Justices of the Peace for the said Liberty for the Time being, together with Four Persons, to be chosen in manner herein-after mentioned, shall be Commissioners for putting this Act into Execution in the said Liberty of *Saint Peter* within the said City.

For the
Liberty of
St. Peter.

Qualification
of Commis-
sioners.

III. And be it further enacted, That no Person shall be chosen a Commissioner for putting this Act in Execution within the said City and Suburbs and Liberty respectively, unless he be an Occupier of Freehold or Leasehold Lands, Tenements, or Hereditaments, of the clear annual Value of Twenty Pounds or upwards, situate within the said City or Suburbs, or the said Liberty respectively, and also an Owner in his own Right, or in Right of his Wife, of Freehold or Leasehold Lands, Tenements, or Hereditaments, of the clear annual Value of Sixty Pounds or upwards, situate within the said City or Suburbs, or the said Liberty respectively, or unless he shall be such an Occupier as aforesaid, and also possessed of Personal Estate of the Value of Two thousand Pounds over and above the Amount of his Debts; and all Persons in the actual Possession or Enjoyment, or in the Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, being Leasehold for One or more Life or Lives, or for any Residue of a Term of Twenty-one Years or upwards dependant on any Life or Lives, or for any Residue of a Term of Twenty-one Years or upwards, shall be deemed Owners thereof within the Meaning of this Act.

Qualification
to vote in the
Election of
Commissioners.

IV. And be it further enacted, That all Male Persons of the Age of Twenty-one Years and upwards, being in the Occupation of Lands, Tenements, or Hereditaments, lying within the said City or Suburbs, or the said Liberty respectively, of the annual Value of Ten Pounds or upwards, shall be entitled to vote at Elections of Commissioners for the Purposes of this Act.

Election of
Forty Com-
missioners
for the City.

V. And be it further enacted, That for the Purpose of choosing and electing Forty Persons, (that is to say) Ten for each of the Four Wards in the said City, to be Commissioners for carrying this Act into Execution in such Parts of the said City and Suburbs as are not within the Jurisdiction of the said Liberty of *Saint Peter*, it shall and may be lawful to and for the several Persons, qualified in manner herein-before mentioned in respect of Property lying within any Parish in any of the Four Wards of the said City and Suburbs, to vote for the Election of Ten Persons as Commissioners for the Ward in which such Parish is situated, and for

that Purpose to assemble and meet together on the Seventh Day of *July* in the Year of our Lord One thousand eight hundred and twenty-five, at the Hour of Ten of the Clock in the Morning, in the Vestry Rooms of their respective Parishes, or at such other Place within the said Parishes respectively at which Vestry Meetings are or for the Time being shall be usually held for each of the said Parishes; and a Chairman shall be appointed at every such Meeting, who shall proceed to take down in Writing the Names of the Persons so attending, and the Names and Descriptions of the respective Persons, not exceeding Ten in Number, qualified as herein-before mentioned, for whom each of such Persons so attending shall vote to be Commissioners for the Ward in which such Parish is situated; and on the *Monday* next after such Vestry Meetings the Chairman of every such Meeting, or any Two Inhabitants of each Parish who shall have been present at the said Meetings respectively, shall attend at the Guildhall of the said City, and there make Returns to the Lord Mayor of the said City, or in his Absence, to Two other of His Majesty's Justices of the Peace for the said City, of the Votes so taken down in Writing as aforesaid; and the said Lord Mayor or Two Justices shall, and he or they is and are hereby required, then and there, in the Presence of the Chairmen of the said Parochial Meetings, or of such other Inhabitants as aforesaid, to ascertain from such Returns the Ten Persons for each of the Four Wards in whose Favour the greatest Number of Persons shall have voted; and such Forty Persons, being qualified as herein-before mentioned, shall be and are hereby declared to be Commissioners, along with the said Justices of the Peace for the said City, for executing this Act in such Parts of the said City and Suburbs as are not within the Jurisdiction of the Liberty of *Saint Peter*; and the said Lord Mayor or Two Justices shall thereupon declare, in the Presence of the Chairman of the said Parochial Meetings, or of such other Inhabitants as aforesaid, the Names of the Ten Persons upon whom the Choice of the respective Wards, by such Parochial Meetings, shall have fallen, and the said Lord Mayor or Two Justices, or the Town Clerk, shall also, within Three Days after such Returns shall have been made, and such Election ascertained, cause to be affixed a List, in Writing, containing the Names and Descriptions of the said Persons so chosen for each of the Four Wards, on the Door of the Guildhall of the said City, for Public Inspection; and such Forty Commissioners shall continue in Office until the First Meeting shall be held of Forty other Commissioners, to be chosen in their Places, in manner herein-after mentioned: Provided always, that if any Parish or Parishes within any Ward shall refuse or neglect to meet for the Purposes of any Election on the Day or Days appointed for that Purpose in or by virtue of this Act, or shall refuse or neglect to make such Return as is hereby required, of the Votes taken in such Vestry Meeting as aforesaid, such Refusal or Neglect shall not make void the Acts or Proceedings of the other Parishes within the said Ward, but the Ten Persons in whose Favour the greatest Number of Votes shall have been given, according to the Returns actually made as aforesaid, shall be declared by the said Lord Mayor or Justices to be duly elected: Provided also, that every Person who shall be assessed in respect of Property situated in different Parishes within One and the same Ward, shall be entitled to vote in such One of the said Parishes as he shall think fit, but not to vote in more than One of the said Parishes: Provided also, that any Person who shall be assessed in respect of Property situated in different

No Person to vote in Two or more Parishes, nor in Two or more Wards.

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ent Wards, shall be entitled to vote in such One of the said Wards as he shall think fit, but not to vote in more than One of the said Wards.

For electing
Four Com-
missioners
for the
Liberty of
Saint Peter.

VI. And be it further enacted, That for the Purpose of electing Four Persons to be Commissioners for carrying this Act into Execution in the Liberty of *Saint Peter* in the said City, it shall and may be lawful to and for the several Persons qualified in manner herein-before mentioned, in respect of Property lying within the said Liberty in the said City, to assemble and meet together on the Seventh Day of *July* One thousand eight hundred and twenty-five, at the Hour of Ten of the Clock in the Morning, in the Hall of Pleas in and for the said Liberty, or at such other convenient Place at which Meetings of the Inhabitants of the said Liberty shall be usually held; and a Chairman shall be appointed by every such Meeting, who shall proceed to take down in Writing the Names of the Persons so attending, and the Names and Descriptions of the respective Persons, not exceeding Four in Number, qualified as herein-before mentioned, for whom each of such Persons so attending shall vote to be Commissioners; and such Chairman shall thereupon ascertain and declare the Names of the Four Persons in whose Favour the greatest Number of Persons shall have voted, and such Four Persons shall be and are hereby declared to be Commissioners, along with the said Justices of the Peace for the said Liberty, for putting this Act in Execution in the said Liberty of *Saint Peter* within the said City; and the said Chairman so to be appointed by such Meeting, in case of an equal Number of Votes, including the Vote of the Chairman, shall have an additional or the casting Vote; and the said Chairman shall cause a List in Writing, containing the Names and Descriptions of the Four Persons so elected, to be within Three Days after such Election affixed on the Door of the said Hall of Pleas for the said Liberty, for Public Inspection; and such Four Commissioners shall continue in Office until the First Meeting shall be held of Four other Commissioners, to be chosen in their Places in manner herein-after mentioned.

Only One
Vote in re-
spect of One
Property.

VII. Provided always, and be it further enacted, That at all Elections of Commissioners for the said City, Suburbs, and Liberty respectively, in case Two or more Persons shall be jointly assessed in respect of the same Property, only One of such Persons shall be entitled to vote in respect of such Property; and in case any Objection to the Vote of any Person in respect of a joint Assessment shall be made by any Person or Persons jointly assessed with him, before the Vote of such Person shall be taken, the said Vote shall be refused; but after any such Vote shall have been taken no Objection shall be allowed to be made thereto.

For supplying
Vacancies in
the City
Commis-
sioners..

VIII. And be it further enacted, That in case any of the Commissioners to be chosen and appointed for carrying this Act into Execution in such Parts of the said City and Suburbs as are not within the Jurisdiction of the Liberty of *Saint Peter*, shall die, or become incapable to act, or shall refuse to act, or shall neglect to attend for One whole Year at any Meetings to be held in pursuance of this Act, or shall cease to be qualified by the Occupation of Lands, Tenements, or Hereditaments, and the Ownership of Freehold or Leasehold Lands, Tenements or Hereditaments, or of Personal Estate, of the respective Value hereby required, then and in any of the said Cases the Place and Places of such Commissioner or Commissioners

missioners is and are hereby declared to be vacant; and the Commissioners for carrying this Act into Execution, or any Five or more of them, shall, within Twenty-one Days after any such Vacancy shall be ascertained, give Notice in Writing to the Lord Mayor of the said City for the Time being, that the Place or Places of such Commissioner or Commissioners is or are vacant, and thereupon a new Commissioner or Commissioners shall be chosen in the Place or Stead of the said Commissioner or Commissioners so dying, or becoming incapable, or refusing or neglecting to attend, or becoming disqualified as aforesaid, at Meetings of the Persons qualified to vote as aforesaid, in the respective Parishes within the Ward or Wards for which such Commissioner or Commissioners was or were chosen, to be called for the Purpose by the said Lord Mayor, who is hereby required to call the same within Twenty-one Days after Notice of such Vacancy or Vacancies shall have been so given to him, but in default of such Notice being given to the said Lord Mayor as aforesaid, then he shall call such Meeting within One Calendar Month after such Vacancy shall be known to him; and the said Lord Mayor shall give Ten Days Notice of the Time and Purpose of such Meetings, by causing to be affixed a Copy of such Notice on the Doors of the several Parish Churches in the said Ward or Wards; and the Election of such new Commissioner or Commissioners shall take place in such Manner, and be held at such Places, as are herein-before mentioned or provided with respect to the Election of the original Commissioners under this Act; and the Persons present at such Meeting or Meetings, qualified to vote in the Choice of original Commissioners as herein-before mentioned, shall then and there proceed to choose and elect a Person or Persons, as the Case may be, to supply such Vacancy or Vacancies; and the Chairman of each Meeting, or Two Inhabitants, who shall have been present at the same, shall return the Name or Names of the Person or Persons chosen to the Lord Mayor or Two Justices, who shall from such Returns ascertain, declare, and give Notice upon what Person or Persons the Choice shall have fallen, subject to the Provisions and Regulations herein-before mentioned respecting the Appointment of the original Commissioners, and such Person or Persons shall be a Commissioner or Commissioners accordingly, for and during so long Time only as the Person or Persons in whose Room or Stead he or they shall have been so appointed would have continued in Office if he or they had not died, become incapable, or refused or neglected, or become disqualified to act as aforesaid: Provided always, that in case any one Person shall be elected as a Commissioner by more than one Ward, such Person shall be required, at the First General Meeting of the Commissioners after such Election, to declare for which Ward he intends to act, and a new Election of a Commissioner or Commissioners for the other Ward or Wards shall thereupon take place, in like Manner as in the Case of any Commissioner refusing to act: Provided also, that if by reason of an Equality in the Number of Votes given for one or more Person or Persons to be Commissioners under this Act, the said Lord Mayor or Two Justices shall not be able to determine and declare which of such Person or Persons is or are duly elected a Commissioner or Commissioners, then and in every such Case a new Election of a Commissioner or Commissioners as to such one or more Person or Persons respecting whose Election such Uncertainty shall have arisen, shall thereupon take place, in like Manner as is herein-before directed respecting the Election of Commissioners in the Case of Vacancies

[Local.]

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Provision in case the same Person should be elected for Two Wards.

Provision in case of Equality of Votes for City Commissioners.

by Death, Resignation, or otherwise; but nevertheless, such of the Commissioners as shall have been declared duly elected shall and may proceed or continue to act, without waiting until the Number of Forty Commissioners shall have been completed.

For supply-
ing Vacan-
cies in Com-
missioners for
the Liberty.

IX. And be it further enacted, That in case any of the Commissioners to be chosen and appointed for carrying this Act into Execution within the Liberty of *Saint Peter* in the said City shall die, or become incapable to act, or shall refuse to act, or shall neglect to attend for One whole Year at any Meeting to be held in pursuance of this Act, or shall cease to be qualified by the Occupation of Lands, Tenements, or Hereditaments, and the Ownership of Freehold or Leasehold Lands, Tenements, or Hereditaments, or of Personal Estate, of the respective Value hereby required, then and in any of the said Cases the Place of such Commissioner or Commissioners is hereby declared to be vacant, and thereupon a new Commissioner or Commissioners shall be chosen in the Place or Stead of the said Commissioner or Commissioners so dying, or becoming incapable, or refusing or neglecting to attend, or becoming disqualified as aforesaid, at a Meeting of the Persons qualified to vote as aforesaid in the said Liberty; and for the Purpose of such Meeting the Commissioners for carrying this Act into Execution within the said Liberty, or Three or more of them, shall, within Twenty-one Days after any such Vacancy shall be ascertained, give Ten Days Notice of the Time and Place of such Meeting, by causing a Copy of such Notice to be affixed on the great South Door of the Cathedral Church of *Saint Peter* in the said Liberty; but in default of such Notice being given by the said Commissioners, then any Two Justices of the Peace for the said Liberty shall call such Meeting within One Calendar Month next after such Vacancy shall be known to them, giving such Notice thereof as last aforesaid; and the Election of such new Commissioner or Commissioners shall take place in such Manner as is herein-before mentioned or provided with respect to the Election of the original Commissioners for putting this Act into Execution within the said Liberty; and the Persons present at such Meeting, qualified to vote in the Choice of such original Commissioners, shall then and there proceed to choose and elect a Person or Persons to be a Commissioner or Commissioners to supply such Vacancy or Vacancies; and such Person or Persons so to be elected shall be and continue Commissioner or Commissioners for so long Time only as the Person or Persons in whose Room or Stead he or they shall have been so appointed would have continued in Office if he or they had not died, become incapable, or refused or neglected, or become disqualified to act as aforesaid.

Commis-
sioners to
make Oaths
or Affirma-
tions.

X. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, except in administering the Oath or Affirmation herein-after mentioned, until he shall have taken and subscribed before any Two or more of the said Commissioners, at a Meeting to be holden by virtue of this Act, (who are hereby required and authorized to administer to each other the same), an Oath or Affirmation in the Words or to the Effect following:

I *A. B.* do swear [or being one of the People called Quakers, do solemnly declare and affirm], That I will truly and impartially, according to the best of my Skill and Judgment, execute and perform all

and every the Powers and Authorities reposed in me by virtue of an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act* [set forth the Title of this Act.]

So help me GOD.

[Or being a Quaker, omit the Words 'So help me God.']

XI. And be it further enacted, That each Person who shall be chosen a Commissioner under this Act shall, before he proceeds to act in the Execution thereof, take and subscribe, before any Two or more of the said Commissioners, at a Meeting to be holden by virtue of this Act, (who are hereby authorized to administer the same), an Oath or Affirmation in the Words or to the following Effect :

I *A. B.* do swear [or being one of the People called Quakers, do solemnly declare and affirm], That I am the Occupier of Messuages, Lands, Tenements, or Hereditaments situate in the City of *York*, or Suburbs thereof, [or the Liberty of *Saint Peter* within the said City, as the Case may be,] liable to be rated under an Act, [here insert the Title of this Act,] of the yearly Value of Twenty Pounds; and that I am also the Owner of Freehold or Leasehold Estate within the said City or Suburbs, [or Liberty, as the Case may be,] of the clear annual Value of Sixty Pounds, [or, that I am also possessed of Personal Estate of the Value of Two thousand Pounds over and above the Amount of my Debts.] So help me GOD.

[Or being a Quaker, omit the Words 'So help me God.']

XII. And be it further enacted, That if any Person, not being qualified in the Manner by this Act directed, or becoming disqualified by any of the Causes in this Act mentioned, shall act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds, with full Costs of Suit; 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, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance, shall be allowed; and every Person so sued or prosecuted shall, upon the Trial, prove that he was at the Time of acting qualified as aforesaid, or otherwise shall be liable to the said Penalty and Costs, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person acting as such Commissioner, although not duly qualified, had or done previously to his being convicted of any such Offence, shall be as valid and effectual, notwithstanding such subsequent Conviction, as if such Person had been duly qualified.

Penalty on Commissioners acting without being qualified.

XIII. And be it further enacted, That no Commissioner under this Act shall have any Share or Interest in, or be in any Manner directly or indirectly concerned in any Contract or Bargain for carrying into effect the several Powers and Authorities of this Act, or otherwise relating thereto; and if any Person, after having become or been appointed or elected a Commissioner, shall, without having first duly resigned such Office at some Meeting of the said Commissioners, be concerned in any such Contract or Bargain, every Commissioner so offending shall for every

Commissioners not to be concerned in Contracts.

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*, and from and after the Conviction of any such Offence shall be incapable of acting as a Commissioner under this Act; and all Acts, Orders, Matters, and Things made or done as a Commissioner by the Person so concerned, after such Conviction, shall be null and void to all Intents and Purposes; and all and every such Contracts and Bargains shall, at the Discretion of the said Commissioners assembled at any Meeting under this Act, be declared void, and in that Case shall not be enforced against or carried into effect by the said Commissioners entering into the same: Provided always, that all Acts, Orders, Matters, and Things made or done by such Commissioner previously to his Conviction of any such Offence shall be good, valid, and effectual; Provided also, that nothing herein contained shall be deemed or construed to extend to any Commissioner who shall enter into any Contract relating to, or who shall receive any Sum or Sums of Money paid out of the Rates of this Act as or by way of Purchase Money, Damages, Rent, Recompence, or Satisfaction agreed upon for any Lands, Grounds, Tenements, or Hereditaments purchased for the Purposes of this Act, or for Damage done to any inclosed or private Grounds of any such Commissioner in carrying into effect the Provisions of this Act.

First Meeting
of Commis-
sioners in the
City and
Suburbs.

XIV. And be it further enacted, That the First Meeting of the Commissioners for carrying this Act into Execution within such Parts of the said City and Suburbs as are not within the Jurisdiction of the Liberty of *Saint Peter*, shall be held at the Guildhall of the said City on the Eighth Day of *August* in the Year of our Lord One thousand eight hundred and twenty-five, between the Hours of Ten and Twelve in the Forenoon; at which Meeting, so soon as Seven Persons shall have assembled, the Persons assembled shall proceed to elect a Chairman, and such Chairman shall take or make and subscribe, before the other of such Persons then present at such Meeting, or any Two of them, the Oaths or Affirmations herein-before prescribed, or such of them as he is hereby required to take or make and subscribe, and after he shall have so taken or made and subscribed the same, he shall and may administer the same Oaths or Affirmations to the other of such Persons present at such Meeting; and when such Chairman and any other Six or more of such Persons shall have so taken and subscribed such Oaths or Affirmations, qualifying them to act as Commissioners as aforesaid, the said Commissioners, or any Seven or more of them, shall and may proceed to carry the Powers of this Act into Execution; and Meetings of the said Commissioners shall or may be held for carrying this Act into Execution at such Times and Places as the said Commissioners at the said First Meeting, or at any subsequent Meetings, shall from Time to Time order and appoint.

First Meeting
in the Liberty
of *Saint
Peter*.

XV. And be it further enacted, That the First Meeting of the Commissioners for carrying this Act into Execution in such Parts of the said City as are within the said Liberty of *Saint Peter* in the said City, shall be held at the Hall of Pleas in the said Liberty on the Eighth Day of *August* One thousand eight hundred and twenty-five, between the Hours of Ten and Twelve in the Forenoon; at which Meeting, so soon as Three Persons shall have assembled, the Persons assembled shall proceed to elect a Chairman, and such Chairman shall take or make and subscribe, before
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the other of such Persons present at such Meeting, the Oaths or Affirmations herein-before prescribed, or such of them as he is hereby required to take or make and subscribe, and after he shall have so taken or made and subscribed the same, he shall and may administer the Oaths or Affirmations to the other of such Persons present at such Meeting, or any Two of them; and when such Chairman, and any other Two or more of such Persons shall have so taken or made and subscribed such Oaths or Affirmations, qualifying them to act as Commissioners as aforesaid, the said Commissioners, or any Three or more of them, shall and may proceed to carry the Powers of this Act into Execution; and Meetings of the said Commissioners shall or may be held for carrying the same into Execution at such Times and Places as the said Commissioners at the said First Meeting, or at any subsequent Meetings, shall from Time to Time order and appoint.

XVI. And be it further enacted, That on the First *Thursday* in the Month of *May* which will be in the Year of our Lord One thousand eight hundred and twenty-eight, and on the First *Thursday* in the Month of *May* which will be in every Third following Year, Parochial Meetings for the said Four Wards, and Meetings for the said Liberty of *Saint Peter* in the said City, shall or may be held for choosing and electing Persons to be future Commissioners for executing this Act, in the same Manner and Form as is herein-before directed or appointed respecting the calling and holding of Meetings for choosing and electing the First Commissioners under this Act; and the Appointment of such future Commissioners shall be ascertained and take place in the same Manner and Form, and subject to the same Rules and Regulations, as are herein-before provided or mentioned respecting the Appointment of the First Commissioners under this Act; and the First Meetings of the said Commissioners respectively, after every such new Election, shall be held on the First *Thursday* in the Month of *June* following such Election, at the same Places and Hours of the Day, and under the like Regulations as are herein appointed for the First Meetings of the Commissioners next after the passing of this Act.

Election of future Commissioners every Three Years, and Appointment of their First Meetings.

XVII. And be it further enacted, That if it shall happen after the First Election of Commissioners for carrying this Act into Execution within such Parts of the said City and Suburbs as are not within the Jurisdiction of the Liberty of *Saint Peter*, or after any subsequent General Election of Commissioners as is herein-before directed to take place in every Third Year, that a sufficient Number of Commissioners for the Purpose of proceeding to Business shall not attend on the Day and at the Time and Place hereby appointed for the First Meeting of such Commissioners next after such Election, then and in every such Case it shall be lawful for any Three or more of the said Commissioners to appoint and convene a Meeting of the said Commissioners, and for that Purpose to give Ten Days Notice of the Time and Place of such Meeting, by Writing affixed on the Door of the Guildhall of the said City, and also inserted in Two or more Newspapers published in the said City; and if it shall happen, after the First or any subsequent General Election of Commissioners for carrying this Act into Execution within the Liberty of *Saint Peter* in the said City, that a sufficient Number of Commissioners for the Purpose of proceeding to Business shall not attend on the Day and at the Time and

Provision in case of insufficient Attendance at the First Meeting of Commissioners after an Election.

[Local.]

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Place

Place hereby appointed for the First Meeting of such Commissioners next after such Election, then and in every such Case it shall be lawful for any Three or more of the said Commissioners to appoint and convene a Meeting of the said Commissioners, and for that Purpose to give Ten Days Notice of the Time and Place of such Meeting by Writing affixed on the Door of the Hall of Pleas within the said Liberty, and also inserted in Two or more such Newspapers as aforesaid; and the Proceedings at such Meetings so to be appointed in the said City and Liberty respectively shall be regulated in the same Manner as if such Meetings respectively had been held at the Time and Place hereby appointed for holding Meetings.

Adjournment
of Meetings.

XVIII. And be it further enacted, That it shall be lawful for the Commissioners for the said respective Districts present at their respective First Meetings, or at any subsequent Meetings for the Execution of this Act, from Time to Time to adjourn, and to appoint their next Meeting to be holden at any future Day and Time, not exceeding Three Calendar Months from the last Day of Meeting, and at the same or any other convenient Place within their respective Districts; and if at any Time and Place appointed for any Meeting there shall not be a sufficient Number of Commissioners to act, then and in such Case the Commissioners or Commissioner present, or in case no Commissioner shall attend, or in case the Commissioners at any Meeting assembled shall omit to adjourn, then and in every such Case the Clerk or Clerks of the said Commissioners shall adjourn the Meeting to some future Day, not less than Ten Days then next ensuing, of which adjourned Meeting such Clerk or Clerks shall cause Notice to be advertised in some Newspaper published in the said City Seven Days before such Meeting; and in case of such Adjournment of any Meeting of Commissioners for carrying this Act into Execution in such Parts of the said City and Suburbs which are not within the Jurisdiction of the said Liberty of *Saint Peter*, Notice in Writing of such Meeting shall be affixed on the Door of the Guildhall of the said City Seven Days before such adjourned Meeting; and in case of such Adjournment of any Meeting of Commissioners for carrying this Act into Execution within the said Liberty, Notice in Writing of such Meeting shall be affixed on the Door of the Hall of Pleas of the said Liberty Seven Days before such adjourned Meeting; and if at any Time no Adjournment, nor any Notice of an adjourned or future Meeting shall be made or given as aforesaid, then it shall and may be lawful for any Three or more of the said Commissioners for the District, although not assembled at a Meeting; or for the Clerk or Clerks of the said Commissioners respectively; to call a Meeting of the said Commissioners, by giving such Notice thereof as aforesaid.

Meetings on
Emergencies.

XIX. Provided always, and be it further enacted, That if after any Adjournment of any Meeting by the said respective Commissioners, or by their Clerk or Clerks for the Time being, or by any one or more of the said Commissioners, it shall on any Emergency be considered necessary that a special Meeting should be appointed for an earlier Day than the Day for which any Meeting shall stand by Adjournment as aforesaid, then it shall be lawful for any Two or more of the said respective Commissioners, or for the said Clerk or Clerks, being authorized by an Order in Writing signed by any Two or more of the said respective Commissioners, although

although not assembled at a Public Meeting, by affixing a Notice in Writing upon the Door of the said Guildhall, or Door of the said Hall of Pleas, as the Case may require, and also inserted in some Newspaper published or circulated in the said City of York, Three clear Days at the least before the Day to be appointed for such Special Meeting, mentioning the Time and Place, and specifying the Purpose of such Special Meeting, to appoint such Special Meeting for such earlier Day; and all Acts, Orders, and Proceedings of the respective Commissioners at such earlier Meeting, the Purpose of which shall have been specified in such Notice, shall be as valid and effectual to all Intents and Purposes whatsoever, as they would have been in case such Commissioners had then met in pursuance of any Adjournment.

XX. And be it further enacted, That at all Meetings of the Commissioners for carrying this Act into Execution in such Parts of the said City and Suburbs as are not within the Jurisdiction of the said Liberty of *Saint Peter*, Seven Commissioners shall constitute a Meeting competent to execute the Powers of this Act; but nevertheless, if Seven or more Commissioners shall be present at the opening of Business at any Meeting, such Business may be carried on and determined so long as Five Commissioners shall remain; and that at all Meetings of the Commissioners for carrying this Act into Execution in the said Liberty, Three Commissioners shall constitute a Meeting competent to execute the Powers of this Act: Provided always, that during the Transaction of Business at all Meetings of the Commissioners within the said Districts respectively, a Chairman shall be appointed, who shall preside, and shall have as well an original Vote in the Proceedings of such Meeting as a casting Vote, if the Votes of the Commissioners present shall prove equal on any Question; and the Majority of Commissioners present at any Meeting shall be competent to decide on all Questions brought before such Meeting.

Regulation of Proceedings at Meetings of Commissioners for the City;

for the Liberty.

XXI. And be it further enacted, That no Orders of the said respective Commissioners, or any of them, shall be in Law valid, or deemed to be done by the Commissioners under this Act, unless the same shall be made at a Meeting of the said Commissioners held according to the Provisions of this Act.

Proceedings not done at a Meeting to be invalid.

XXII. And be it further enacted, That the Expences of the said respective Commissioners at all or any of their Meetings shall be defrayed by the Persons incurring the same, and not out of the Monies to be raised by virtue of the Provisions of this Act.

Commissioners to pay their own Expences.

XXIII. And be it further enacted, That Half-yearly Meetings of the said respective Commissioners shall be held on the First *Monday* in *May* and the First *Monday* in *November* in every Year, at which Meetings all Rules and Orders made at previous Meetings may be reversed or altered; but no Rule or Order made at a Half-yearly Meeting of the Commissioners for carrying this Act into Execution within such Parts of the said City and Suburbs as are not within the Jurisdiction of the Liberty of *Saint Peter* shall be altered or rescinded, except at a Half-yearly Meeting, or a General Meeting of the said Commissioners to be called by Seven Commissioners for the special Purpose of altering or rescinding the same; and Seven Days Notice of such General Meeting, and of its special

Half-yearly Meetings.

special Object, shall be given in Two Newspapers published or circulated in the City of *York*, and shall be affixed on the Door of the Guildhall of the said City.

Proceedings
to be entered.

XXIV. And be it further enacted, That the said respective Commissioners shall cause to be provided a proper Book or Books, and also cause fair and regular Entries to be made therein of all Acts, Orders, and Proceedings relative to the Execution of this Act, and the Chairman of each Meeting of the said respective Commissioners shall subscribe his Name (and all the Commissioners present may also, if they think fit, subscribe their Names) to such Entries; which said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages of the Rates or Assessments for the Purposes of this Act herein-after mentioned, and Assignments of such Mortgages, and the Entries therein respectively, shall and may be read in Evidence in all Causes, Suits, and Actions touching any thing done in pursuance or by virtue of this Act.

Accounts to
be kept of
Receipts and
Disburse-
ments, which
shall be open
to Inspection.

XXV. And be it further enacted, That the said respective Commissioners shall and they are hereby required to order and direct a Book or Books to be provided and kept by their Clerk or Clerks for the Time being, in which Book or Books such Clerk or Clerks shall enter, or cause to be entered, true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, or any Person or Persons paying the Rates or Assessments hereby granted, or any Creditor or Creditors on the same, without Fee or Reward; and the said Commissioners and Persons aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Parts thereof, without paying any thing for the same.

Penalty on
Clerk refus-
ing Inspec-
tion.

XXVI. And be it further enacted, That if the Clerk or Clerks of the said respective Commissioners, or other Person or Persons with whom the Books, Accounts, and Papers belonging to the said Commissioners shall have been deposited, shall on any reasonable Demand refuse to permit, or shall not permit the said Commissioners, or such Creditors or other Persons as aforesaid, to inspect the said Books, Accounts, and Papers, or to take such Copies or Extracts as aforesaid, such Clerk or other Person or Persons so refusing shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Annual
Meeting for
auditing
Accounts.

XXVII. And be it further enacted, That a Meeting of the said respective Commissioners shall be held on the last *Thursday* in the Month of *May* yearly, at the Places herein-before appointed, or to be appointed as aforesaid, at which the Accounts of all Monies received and paid in pursuance of the Powers and Provisions of this Act shall be produced and stated to the said respective Commissioners, and be examined, audited, and settled by them; and an Abstract of such Accounts shall be made, and shall within Ten Days from the Auditing and Settlement thereof

be

be published in some Newspaper printed or circulated in the said City of York.

XXVIII. And be it further enacted, That the said respective Commissioners shall or may from Time to Time, by Writing or Order under their Hands, at any Meeting or Meetings, elect and appoint a Treasurer or Treasurers, Clerk or Clerks, Assessor or Assessors, Collector or Collectors, Receiver or Receivers of the Monies to be raised and paid under or by virtue of this Act, and also Surveyors, Scavengers, Rakers; Cleaners, Lighters of Lamps, and such other Officers or Persons, save and except Weighers and Measurers of Coals, as the said respective Commissioners shall think proper for carrying this Act into Execution; and the said respective Commissioners shall and may from Time to Time, by a like Writing or Order as aforesaid, remove and displace them, or any of them, and in like Manner from Time to Time appoint others in the Room of those removed; and out of the Monies to be raised by virtue of this Act the said respective Commissioners shall and may pay such Salaries, Wages, or Allowances to the said Officers and other Persons as the said respective Commissioners shall think reasonable; and the said respective Commissioners shall and may, and they are hereby authorized, directed, and required to take sufficient Security from every such Treasurer and Collector for the due and faithful Execution of his Office, and may also take such Security from any other Officer as they shall think reasonable, which Security or Securities shall or may be taken either in the Name of the respective Clerks to the said Commissioners, or in the Name of any Three or more of the said respective Commissioners for the Time being.

Officers to be appointed, &c.

Treasurer to give Security.

XXIX. And be it further enacted, That notwithstanding such new Elections of Commissioners for the said City and Liberty respectively, as are hereby required to take place at the End of every Third Year, the respective Officers, Clerks, Surveyors, and other Persons who shall have been appointed by the last preceding Body of Commissioners respectively, to any Office or Employment under the said Commissioners, and who shall not have been removed or dismissed by them, shall continue to act until they shall be respectively removed and dismissed by the said Commissioners.

Officers to continue after a new Election of Commissioners, unless removed.

XXX. Provided always, and be it further enacted, That after the Second Meeting of the said respective Commissioners, no Officer shall be appointed, unless Three clear Days Notice at the least shall have been given, specifying the Intention of proposing the Appointment of such an Officer, in the like Manner as is herein-before directed for calling Meetings on Emergencies.

Regulations as to the Election of Officers.

XXXI. Provided always, and be it further enacted, That as often as any Collector or Receiver of the Monies to be raised by virtue of this Act shall die, or become incapable of acting in the Execution of this Act, or neglect to perform his Duty therein, it shall be lawful for the said respective Commissioners, or any Three or more of them, although not assembled at a Meeting to be held pursuant to this Act, by any Writing under their Hands to appoint another Person to be Collector or Receiver thereof, until a Collector or Receiver shall be appointed by

For appointing temporary Officers in Cases of Necessity.

[Local.]

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the

the said respective Commissioners at a Meeting to be holden in pursuance of this Act, any thing herein contained to the contrary notwithstanding; and such temporary Collector or Receiver shall be subject to all the Provisions of this Act in the same Manner as if he had been appointed by the Commissioners at a Meeting in pursuance of this Act.

Penalty on
Officers
taking any
Fee or Re-
ward.

XXXII. Provided always, and be it further enacted, That if any Clerk or Clerks, Treasurer or Treasurers, or other Officer or Officers employed by the said respective 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 or their 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 afterwards of serving or being employed under the said Commissioners, and shall forfeit and pay the Sum of Ten Pounds for every such Offence.

Officers com-
pelled to ac-
count.

XXXIII. And be it further enacted, That all such Officers so to be appointed as aforesaid shall, under their Hands, (at such Time and Times and in such Manner as the said respective Commissioners shall direct), deliver to the said respective 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 other Persons respectively by virtue or for the Purposes of this Act, specifying how much thereof hath been paid and disbursed, and for what Purposes, and shall also produce and deliver the Vouchers and Receipts for such Payments, and shall also pay all such Money as shall remain in their Hands, or be due from them respectively upon such Accounts, to the said Commissioners, or to such Person or Persons as they shall appoint; and if any such Officer or Person shall, for the Space of Ten Days next after Notice in Writing from any One or more of the said Commissioners requiring him so to do, (to be given to or left at the last or usual Place of Abode of such Officer or Person), refuse or wilfully neglect to make and render 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, all Books, Papers, Writings and Effects belonging to the said Commissioners in his Custody or Power, or to give sufficient Information to the said Commissioners respecting the same, it shall be lawful for the said respective Commissioners, and they are hereby authorized and empowered to commence or cause to be commenced, in any of His Majesty's Courts of Record at *Westminster*, an Action or Actions against the Officer or Person making such Default as aforesaid, for the Recovery of the Monies which shall be in the Hands of such Officer or Person so refusing or making Default as aforesaid, and to recover the same with full Costs of Suit; or it shall and may be lawful for the said respective Commissioners, or any Person or Persons whom they shall appoint for that Purpose, to make Complaint to any Justice of the Peace having Jurisdiction in the
City,

City, Liberty, or Place wherein such Officer or Person so neglecting or refusing shall reside or be; and such Justice may, and he is hereby authorized and empowered, by a Warrant under his Hand and Seal, to summon the Officer or Person so refusing or making Default as aforesaid to appear before him, and upon his Appearance, or having been summoned and not appearing, (except from some reasonable Cause to be allowed by such Justice), to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath or Affirmation, (which Oath or Affirmation such Justice is hereby empowered to administer and take,) 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 in the Hands of such Officer or Person, or shall be unaccounted for by him, 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, together with the Costs and Charges of making such Complaint and of making such Distress and Sale; 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 as aforesaid, or if it shall appear and have been proved to the said Justice, after such Summons as aforesaid, that such Officer or Person shall have refused or wilfully neglected to render or give such Account, or to produce and deliver the Vouchers relating thereto, or that any Books, Papers, Writings, or Effects belonging to the said Commissioners shall be retained in the Custody or Power of such Officer or Person, and that he hath refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in either or any of the said Cases such Justice shall commit such Offender to the Common Gaol or House of Correction for the City, Liberty, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Payment and Account as aforesaid, or until he shall have compounded with the said Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said respective Commissioners are hereby empowered to make and receive), or until he shall have delivered up such Books, Papers, Writings, and Effects as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, 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 on that Account for any longer Term than Six Calendar Months; provided also, that if any Money shall be due from such Officer or Person, his Commitment to Prison as aforesaid shall not (without the Consent of the said Commissioners) be deemed a Discharge for the same, nor exonerate the Surety or Sureties for such Officer or Person, but such Officer or Person, and his 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.

XXXIV. Provided always, and be it further enacted, That it shall not be lawful for the said respective Commissioners to continue or appoint any Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any

Clerk not to act as Treasurer, and vice versa.

any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act; or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to 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, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to any Person or Persons who shall sue for the same; to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Complaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Commissioners empowered to hire Rooms for the Purposes of this Act.

XXXV. And be it further enacted, That it shall be lawful for the said respective Commissioners from Time to Time to hire any Room or Building in any convenient Place within the said City or Suburbs, or Liberty of *St. Peter*, for the Purpose of making use thereof as and for an Office or Offices for keeping their Accounts, holding their Meetings, and transacting the Business relating to this Act; and also to hire, rent, purchase, erect, or provide any other Room or Building within the said City, Suburbs, or Liberty, to be used as a Storehouse or Storehouses for keeping their Implements and Materials, and for other the Purposes of this Act, and to pay such Rent or Rents, or Sum or Sums of Money, as the said Commissioners shall from Time to Time agree upon, and also to accept and take a Lease of any Room, Building or Buildings, to themselves, or any of them, for any Term or Number of Years, at and under such Rent or Rents as they shall from Time to Time think fit.

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

XXXVI. And be it further enacted, That the said respective Commissioners may sue and be sued for or concerning any thing which shall be done by virtue or in pursuance of this Act, or for or concerning any Matter or Thing relating or incident to the obtaining and passing of this Act, in the Name or Names of their respective Clerk or Clerks for the Time being, or in the Name of any One or more of the said respective Commissioners; and no Action or Suit to be so brought or commenced by or against the said Clerk or Clerks, Commissioner or Commissioners, shall abate or be discontinued by his or their Death, Removal, or Default, but shall be continued and carried on in his or their Name or Names; and such Clerk or Clerks, or Commissioner or Commissioners, shall be deemed Plaintiff or Defendant, or Plaintiffs or Defendants, in such Action or Suit (as the Case may require): Provided always, that any such Clerk or Clerks, or Commissioner or Commissioners, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended

defended in pursuance of this Act, shall not, by reason of his or their being such Clerk or Clerks, or Commissioner or Commissioners, be rendered incompetent or inadmissible as a Witness or Witnesses in any such Action or Suit as aforesaid, unless such Clerk or Clerks, Commissioner or Commissioners, shall be personally or individually interested or concerned therein.

XXXVII. And be it further enacted, That nothing in this Act, or in any Deed, Mortgage, Contract, or Agreement herein authorized to be entered into or made by or on the Behalf of the said respective Commissioners, or any of them, for any of the Purposes or in the Execution of this Act, shall extend to charge or affect the Person or Persons of any of the said Commissioners respectively, or their respective Clerks, Treasurers, or other Officers authorized by the said Commissioners in their Behalf, executing any such Deed, Mortgage, Contract, or Agreement, or the Heirs, Executors, or Administrators of the same Commissioners, their Clerk, Treasurer, or Officer, or any of them, or their or any of their own proper Lands, Tenements, or Hereditaments, Goods, Chattels, Effects, or Property, with or for the Performance of all or any of the Covenants, Conditions, Provisoes, Stipulations, Matters, or Things in the same Deeds, Mortgages, Contracts, or Agreements contained or mentioned on the Part of the said Commissioners, their Clerk, Treasurer, or other Officer in their Behalf, or any of them; but the Amount of all Damages, Costs, Charges, and Expences which shall or may be recovered in any Action or Actions, Suit or Suits, at Law or in Equity, or in or upon any Arbitration, Reference, Award, or otherwise, against them the said Commissioners, Clerk, Treasurer, or other Officer, or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such Deeds, Mortgage, Contract, or Agreement, or the Covenant, Condition, Proviso, Stipulation, Matter or Thing therein contained, and also all the Damages, Costs, Charges, and Expences which the said Commissioners, Clerk, Treasurer, or other Officer shall bear, pay, expend, or be put unto, or which shall be occasioned to them for or by reason or means of any such Deed, Mortgage, Contract, or Agreement, or any Covenant, Condition, Proviso, Stipulation, Matter or Thing therein contained, or any Action or Actions, Suit or Suits, Awards, or otherwise, to be brought, prosecuted, or made by or against them, or any of them, thereupon, shall respectively be paid, satisfied, and discharged by and out of the Monies to be raised, or which shall or may arise or be received by virtue of this Act, unless such Action or Suit, Matter or Thing, shall arise in consequence of their or his own wilful Neglect or Default, or have been brought, commenced, carried on, or done, without the Order or Direction of the said Commissioners in Writing: Provided always, that the said Commissioners, Clerk, Treasurer, or other Officer, shall be personally liable for all Acts done by them respectively without the regular Order of a Meeting.

Commissioners not personally liable.

XXXVIII. And be it further enacted, That when and so often as any Action or Information shall be brought against the said Commissioners respectively, for any thing done by them in pursuance or by virtue, or supposed to be done in pursuance or by virtue of this Act; or when and so often as the said Commissioners respectively shall bring any Action, or lay any Information against any Person or Persons for any alledged Grievance

Commissioners may compound Actions.

and done to such Commissioners, as to any Matter respecting this Act; then and in all such Cases it shall be lawful, as well for the said Commissioners as for all and every other Person or Persons, to compound such Actions, Suits, or Informations, without bringing the same to Trial.

Pavements,
Materials,
&c. vested in
the Commis-
sioners.

XXXIX. And be it further enacted, That all the present and future Pavements, Stones, Flags, Bricks, Gravel, and other Materials of all such Streets, Roads, Lanes, Highways, Passages, and other public Places as for the Time being shall be repaired and maintained under the Management of the said respective Commissioners, within the said City and Suburbs, or within the said Liberty respectively, and all the present and future public Drains, Ditches, Sewers, Tunnels, Gutters, Grates, and Sinks, in the said City and Suburbs, and the said Liberty respectively, and also all the Lamps, Lamp Irons, Lamp Posts, Pillars, Pilasters, Pipes, and other Articles, Materials, Matters, and Things to be erected, set up, fixed, or provided for the Purposes of this Act, and all Materials, Tools, Utensils, Carriages, Implements, and other Things, which shall be purchased or provided by the said respective 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, Roads, Lanes, Highways, Passages, and other public Places, or any of them, shall belong to and be the Property of the Commissioners for executing this Act in the said City and Suburbs, and in the said Liberty respectively, and shall be and are hereby vested in the said respective Commissioners for the Time being; and the said respective 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 lighting, cleansing, and improving such Parts of the City of York and Suburbs thereof as are not within the Jurisdiction of the Liberty of Saint Peter within the said City," or of "The Commissioners for lighting, cleansing, and improving the Liberty of Saint Peter within the City of York," (as the Case may be), without mentioning or specifying the Names of all or any of the said Commissioners.

Penalty for
damaging
Works.

XL. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break, throw down, destroy, deface, or otherwise damage or injure any of the Pavements, Articles, or Things hereby vested in the said respective Commissioners, or any of the Works executed by them, or by their Order, in pursuance of this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall moreover pay to the said respective 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 having Jurisdiction in the City, Liberty, or Place where the Offence shall be committed, the same shall and may be levied and

and recovered from such Person or Persons so offending as aforesaid, in the Manner herein-after 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 respective Commissioners, to be applied to the general Purposes of this Act, within the said respective Districts.

XLI. And be it further enacted; That where any Information, Complaint, Conviction, or other Proceeding, shall at any Time or Times be made, preferred, had, or take place before any Justice of the Peace, for wilfully, maliciously, negligently, or accidentally breaking, injuring, spoiling, damaging, destroying, or unlawfully pawning, pledging, or making away with any Property by this Act vested in the said respective Commissioners, or for or in respect of such Property, or where any Indictment or Indictments shall at any Time or Times be preferred for feloniously stealing, taking, or carrying away, or unlawfully receiving, buying, taking, or having any such Property, or embezzling, secreting, or making away with the same, or any Monies, Notes, Effects, or other Property whatsoever of or belonging to the said respective Commissioners, or for or in respect of any Offence whatsoever touching or relating to the same respectively, it shall be sufficient to state generally in such Information, Complaint, Conviction, or other Proceeding, or in such Indictment as aforesaid, that such Property, Monies, Notes, Effects, Article or Articles, Matters or Things, is or are the Property of "The Commissioners for lighting, cleansing, and improving such Parts of the City of *York* and Suburbs thereof as are not within the Jurisdiction of the Liberty of *Saint Peter* within the same City," or of "The Commissioners for lighting, cleansing, and improving the Liberty of *Saint Peter* within the City of *York*," (as the Case may be), without mentioning or specifying the Name or Names of all or any of the said Commissioners; which Name and Description of the said Commissioners shall also be sufficient for all the Purposes of this Act: Provided always, that the Rights of the Mayor and Commonalty of the said City of *York*, as Lords of the Soil within the said City and Suburbs, or of the Dean and Chapter of *York*, as Lords of the Soil within the said Liberty, or of the Proprietors of the Waterworks, or of the *York* Gas Light Company, in respect of any Lamps, Lamp Posts, Pipes, or other Things, their Property, or of any other Person whatsoever, shall in nowise be affected by such Property being considered to be vested in the said Commissioners for such special Purpose.

Commissioners to be described in Proceedings.

XLII. And be it further enacted, That it shall be lawful for the said respective Commissioners from Time to Time, and at their Discretion, to sell and dispose of all or any of the said Articles, Matters, and Things which shall at any Time be purchased or provided by them for the Purposes of this Act, to such Person or Persons, and in such Manner as the said respective Commissioners shall think proper, and to apply the Money to arise thereby towards the Purposes of this Act within the said respective Districts.

Articles, &c. purchased for this Act may be disposed of.

XLIII. And be it further enacted, That it shall be lawful for the said Commissioners respectively, and they are hereby authorized and empowered, from Time to Time, to contract and agree with any Person or Persons whom they may think proper, for the paving, flagging, widening, altering, amending, and improving of the Carriageways and Footpaths, and

Commissioners may make Contracts.

and for the stopping up, altering, extending, or enlarging, and cleansing any Drains, Sewers, Gutters, Sinks, and Watercourses, and for watching, draining, sweeping, cleansing, and watering the said Streets, Lanes, Highways, and other public Passages and Places, within the said City, Suburbs, and Liberty, and for furnishing Materials, and doing and performing all other Matters and Things necessary for completing any of the Works hereby authorized to be done; which Contract or Contracts so to be entered into shall be reduced into Writing, and be signed by the said respective Commissioners, and also by the Person or Persons contracting to perform such Works respectively: Provided always, that in case such Contract shall amount to the Sum of Thirty Pounds or upwards, Ten Days Notice at least shall be given previous to the Meeting for entering into such Contract, by publishing the same in Two of the *York Newspapers*, or in such other Manner as the said respective Commissioners shall direct; and the said Commissioners shall and they are hereby required to take Security from every such Contractor for the due Performance of his, her, or their Contract; and in case the same shall not be well and sufficiently performed according to the true Intent and Meaning of such Contract or Contracts, the said Commissioners shall and may bring, or cause to be brought, any Action or Actions at Law, or Suit or Suits in Equity, against the Person or Persons so contracting or neglecting to perform such Contract or Contracts, for any Injury suffered or sustained on account of the Nonperformance thereof; and upon proving the signing of the said Contract or Contracts, and Nonperformance thereof, the said Commissioners shall be entitled to and shall recover such Penalty or Damage as may be awarded, with full Costs of Suit.

Commissioners may compound Breaches of Contract.

XLIV. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners respectively from Time to Time, and at all Times hereafter, to compound and agree with any Person or Persons against whom the said Commissioners shall bring or cause to be brought any Action or Suit for any Penalty incurred in any Contract hereafter to be made or entered into in pursuance of this Act, on account of any Breach or Nonperformance of such Contract, for such Sum or Sums of Money as they shall think proper, so as the Sums compounded and agreed for be not less than the Injury sustained by the Breach or Nonperformance of such Contract, and the Costs, Charges, and Expences which shall have been or which may be occasioned thereby: Provided always, that the said Commissioners, or their respective Estates, shall not be liable in their individual or personal Capacity to any Loss, Damage, or Prejudice, by reason of their signing any such Contract.

Commissioners may take under their Management Streets, &c. now repaired by the Mayor and Commonalty.

XLV. And whereas the Mayor and Commonalty of the said City are by Usage or Prescription bound to maintain and repair certain Parts or Portions of certain Streets, Ways, and Places within the said City and Suburbs; be it further enacted, That the Commissioners for carrying this Act into Execution within such Parts of the said City and Liberty as are not within the Jurisdiction of the said Liberty of *Saint Peter* shall and they are hereby authorized and required forthwith to take under their Care and Management all such Parts or Portions of the said Streets, Ways, and Roads, which the said Mayor and Commonalty are so bound to maintain as aforesaid, as are now paved; and they are also hereby empowered, by and with the Consent of the said Mayor and Commonalty,

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but

but not otherwise, to take under their Care and Management all or any such Parts or Portions of the same Streets, Ways, and Roads, as are not now paved.

XLVI. And be it further enacted, That the said Mayor and Commonalty, and the said Commissioners for carrying this Act into Execution within such Parts of the said City and Liberty as are not within the Jurisdiction of the said Liberty of *Saint Peter*, shall be and they are hereby authorized hereafter annually, in the Month of *June* of each Year, to enter into an Agreement as to the Sum or Sums of Money to be paid to the said Commissioners by the said Mayor and Commonalty for and in lieu of the paving to which the said Mayor and Commonalty are now so liable; and if it should happen that the said Mayor and Commonalty and the said Commissioners cannot agree as to the Sum to be paid by such Mayor and Commonalty on such Account, then and in such Case it shall be referred to Two Persons, One chosen by the said Mayor and Commonalty, and the other by the said Commissioners, to decide and arbitrate what Sum shall be paid by the said Mayor and Commonalty to the said Commissioners in lieu of such Paving for the then current Year; provided that no such Person shall be chosen to arbitrate by either Party before the First Day of *July* in any Year, or before an Offer of a Sum of Money in lieu of such Paving shall have been made on the one Part or demanded on the other, and have been refused to be received or neglected to be paid for the Space of Ten Days; and provided further, that before the Arbitrators chosen between the said Parties shall proceed to inquire into the Matters by them to be determined, they shall name some indifferent Person to act as Umpire in case of their Neglect, Refusal, or Inability to make any Award or Determination within the Space of Two Calendar Months from the Day on which they shall be finally nominated; and it shall be lawful for the Persons so nominated as Arbitrators, or the Person by them named as Umpire, to proceed to hear Evidence, and decide on the Premises, without any other specific Authority whatever than such Nomination; and if either Party (that is to say, the Mayor and Commonalty of the said City on the one Part, or the said Commissioners on the other Part) shall neglect or refuse to nominate an Arbitrator within One Week after being required so to do by the other Party, then and in such Case the Arbitrator named by the other of the said Parties shall in all Things act and decide as Umpire between the said Parties, and the said Arbitrators or Umpire, in considering the Sum of Money to be paid by such Mayor and Commonalty, shall consider as well the Quantity of Ground which the said Mayor and Commonalty are now liable to pave, as the relative Expence of paving such Ground compared with the Expence attending the paving of the other Grounds, Streets, and Places which the said Commissioners shall at any Time be called on to pave, or keep in proper and suitable Repair; provided also, that in case the said Commissioners shall take under their Care any Portion of the Ways or Roads not now paved which are repaired by the said Mayor and Commonalty, a Composition or Payment, to be settled and determined in manner herein-before mentioned, shall be made by the said Mayor and Commonalty, and annually paid to the said Commissioners, in proportion to the Relief or Benefit which the said Mayor and Commonalty will derive in consequence of their ceasing to be liable to make such Repairs: Provided always, that in case the said Mayor

For ascertaining the Amount of the Composition to be paid by the Mayor and Commonalty.

and Commonalty shall at any Time or Times, for the Space of Twenty-one Days after Demand thereof made by the said Commissioners or their Clerk, refuse or neglect to pay the Sum of Money agreed or determined to be paid by the said Mayor and Commonalty as such Composition or Payment as aforesaid, then and in such Case it shall and may be lawful to and for the said Commissioners, by Action of Debt or on the Case, in any of His Majesty's Courts of Record, to be brought and prosecuted by the said Commissioners in the Name of their Clerk, against the said Mayor and Commonalty, to recover the Sum of Money so neglected or refused to be paid by them as aforesaid, together with full Costs of Suit.

Commissioners to repair all the Highways, Roads, &c.

XLVII. And be it further enacted, That it shall be lawful for the said respective Commissioners, and they are hereby authorized and required from Time to Time, and at all Times hereafter, as often as they shall think fit, to cause, order, and direct all or any of the present and future Streets, Roads, Lanes, Highways, Passages, and other Public Places, as well Carriageways as Footways, in the said City and Suburbs, and the said Liberty respectively, except such Parts thereof as for the Time being shall be repaired by the said Mayor and Commonalty, to be repaired, made, formed, amended, and sustained in such Manner and with such Materials as the said Commissioners shall think proper; and also from Time to Time to cause the Materials thereof to be taken up and relaid, and renewed, and the Ground and Soil thereof to be raised, lowered, or altered, in such Manner and with such Materials as the said Commissioners shall deem proper or direct; and also from Time to Time to cause any Sewers, Gutters, Drains, or Watercourses to be made into, upon, through, over, along, or under any of the said Streets, Lanes, Highways, Passages, or other Public Places, for carrying off Water, Mud, or other Filth from the same; and also to cause any of the present or future Sewers, Gutters, or Watercourses therein to be stopped up, or otherwise opened, enlarged, altered or cleansed, or the Form or Course thereof to be altered, turned, varied, changed or diverted, in such Manner as the said Commissioners shall think fit; and also to cause to be taken up and removed all or any Posts, Rails, Pales, Trees, or Fences, in such Streets, Roads, Lanes, Highways, Passages, or Places, or any of them, as the said Commissioners shall consider useless, or a Nuisance or Obstruction to Foot Passengers, Horses, or Carriages; and also to erect and set up any other Posts, Rails, Pales, or Fences, in any other Place or Places therein, as they shall think proper, for the better Security or Accommodation of Passengers or Carriages, or for Protection of the said Pavements from Damage by Waggons, Carts, or other Carriages.

Persons assessed under this Act to be exonerated from Statute Duty and Highway Rates.

XLVIII. And be it further enacted, That from and after the passing of this Act, all and every Persons and Person who shall be assessed under or by virtue of this Act, for or in respect of any Messuages, Lands, Tenements, or Hereditaments, within the said City, Suburbs, and Liberty, shall be, and they, he, and she are and is hereby exonerated, released, and for ever discharged from the Performance of Statute Duty for the Repairs of the Public Highways within the said City, Suburbs, and Liberty, and from the Payment of any Composition Money in lieu of such Statute Duty, and from all Rates and Assessments for the Repairs of the said Highways within the said City, Suburbs, and Liberty, for or in respect of such Messuages, Lands, Tenements, or Hereditaments.

XLIX. And be it further enacted, That it shall and may be lawful for the said respective Commissioners, or their Surveyors or other Agents, or any other Person or Persons employed or appointed by them, having an Order in Writing under the Hands of any Three of the said Commissioners for the Purpose, to search for, dig, gather, get, take and carry away, any Stone, Gravel, Sand, Earth, or other Materials fit or proper for paving, repairing, amending, raising, or improving the said Streets, Roads, Lanes, Highways, and other Public Passages or Places within the said City and Suburbs and Liberty, out of or from any Common or Waste Ground, or common River or Brook, in the said City, Suburbs, or Liberty, the Person or Persons acting by the Appointment of the said Commissioners, or their Agent or Agents, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks wherefrom such Materials shall be taken, or causing such 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 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 respective Commissioners, or their Surveyors or other Officers, or the Person or Persons so employed or appointed by them as aforesaid, by Order of any Justice or Justices of the Peace having Jurisdiction in the said City, Suburbs, or Liberty, as the Case may be, to search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, out of, or from any of the private Lands, Fields, or Grounds of any Person or Persons within the said City or Suburbs or Liberty, where the same may be had or found, (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Plantation, or Avenue to a House, or any Piece of Ground planted or set apart as a Nursery for Trees,) making or tendering such Satisfaction for the Value of such Materials, and also for the Damages done thereby to the Owners and Occupiers of the Lands, Fields, or Grounds where and from whence the same shall be cut, dug, got, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Streets, Roads, Lanes, Highways, and other Public Passages or Places shall be carried, as shall be agreed upon between the said Commissioners and such Owners or Occupiers; and in case of any Difference between the said Commissioners, or other Person or Persons employed as aforesaid, and such Owners or Occupiers, or any of them, concerning such Damages, it shall be lawful for any Justice or Justices of the Peace having Jurisdiction as aforesaid, on Seven Days Notice thereof given by either Party to the other, or left at his, her, or their respective Place or Places of Abode, to hear, settle, and finally determine the Matters of such Damages and Payment; provided also, that no such Materials as aforesaid shall be dug for, gotten, or taken away from any Place within the Distance of One hundred Yards from any Bridge, Mill, Mill-weir or Dam, nor so as to injure any Building or Highway, on any Account or Pretence whatsoever.

Power to get
Materials.

L. Provided nevertheless, and be it further enacted, That it shall not be lawful for any Person or Persons acting under the Authority of this Act to dig, gather, get, take, or carry away any Materials for repairing such Streets, Roads, Lanes, Highways, or other public Passages or Places, out of or from any inclosed Lands or Grounds, until Fourteen Days

Notice to be
given to
Occupiers of
inclosed
Lands.

Notice

Notice in Writing, signed by the Surveyor or Surveyors, or other Officer of the said respective Commissioners, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her usual Place of Residence, to appear before any Justice or Justices of the Peace having Jurisdiction as aforesaid, to show Cause why such Materials shall not be had from such Lands or Grounds; and in case such Owner or Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, then and in such Case such Justice or Justices shall and may authorize the said Commissioners or their Agent, or such Person or Persons, to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Justice or Justices shall seem proper; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, pursuant to such Notice, the said Justice or Justices shall and may make such Order therein as he or they respectively shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent, had attended.

Penalty on taking away Materials.

LI. And be it further enacted, That if any Person or Persons shall remove or take away any Stones, Gravel, or other Materials, laid upon or near such Streets, Roads, Lanes, Highways, or other public Passages or Places, or any Part thereof, without the Order of the said respective Commissioners for that Purpose, or if any Person or Persons shall take away any Stones, Gravel, or other Materials, which have been dug, got, or gathered by or by Order of the said Justice or Justices, or Commissioners, in any Land, Field, or Waste Ground, River or Brook, for the Purpose of amending or repairing such Streets, Roads, Lanes, Highways, or other public Passages or Places, or any Part or Parts thereof, or shall get or take away any Stones, Gravel, or other Materials out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials, before the said Commissioners or their Surveyor or Surveyors, or Workmen, shall have discontinued working therein for the Space of Six Weeks, except the Owner or Occupier of any private Ground wherein such Pit or Quarry shall have been made, and Persons authorized by such Owner or Occupier to get Materials therein for his or her own private Use only, and not for Sale, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Commissioners subject to Actions and Indictments.

LII. Provided also, and be it further enacted, That all Indictments and other Processes of Law which may be brought for or on account of the Repair or Non-repair of the Streets, Roads, Lanes, Highways, or other public Passages or Places within the said City or Suburbs, or Liberty, shall or may be brought against the said respective Commissioners, or their Clerk or Clerks, or any One or more of the said Commissioners, and being so brought, shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Commissioners authorized to deposit Materials in Streets being

LIII. And be it further enacted, That during the Time that any Street, Road, Lane, Highway, Passage or Place, or any Part thereof, shall be undergoing a Course of new paving, flagging, or repairing, or any of the Grates, Drains, Sewers, or Watercourses therein shall be in a Course of Alteration, Reparation, or Improvement, the said respective Commissioners

sioners may and they are hereby authorized to order the Materials necessary for such Purposes to be deposited in the same or any adjoining Street, Road, Lane, Highway, Passage or Place, according to their Discretion, and also to stop and prevent any Passage through the same or any adjacent Street, Road, Lane, Way, Passage or Place, so long as may be necessary for the Purposes herein-before particularized.

repaired, and to prevent passing in Streets until repaired.

LIV. And be it further enacted, That no Person or Persons shall at any Time make, or cause or suffer to be made, any Alteration in the Form of the present or future Pavement or Pitching of the Foot or Carriage-way, before, behind, or at the Side of his, her, or their House or Houses, Building or Buildings, Ground or Land, without the Licence and Consent in Writing of the said respective Commissioners, at some Meeting or Meetings under this Act first had and obtained for that Purpose, in which Licence and Consent shall be specified in what Manner and Form, of what Extent or Dimensions, at what Time and Place, and with what Materials such Alterations shall be made; and where such Alteration shall be made with such Licence and Consent as aforesaid, the same shall from Time to Time be accomplished at the Expence of the Person or Persons to whom such Licence and Consent shall be granted, or the Owner of such Premises for the Time being; and in case any Person or Persons to whom any Licence and Consent as aforesaid shall be granted, shall cause or suffer such Alterations to be made in any respect contrary to the Tenor thereof, or the Directions therein contained, then and in every such Case the said respective Commissioners may and they are hereby authorized to cause such Paving or Pitching so altered to be removed, or otherwise altered or arranged as they shall direct or think proper, and the Charges and Expences attending the same shall be repaid to the said Commissioners by the Person or Persons to whom such Licence and Consent shall be granted, or the Owner or Occupier of such Premises for the Time being; and in case of Non-payment thereof within Ten Days after Demand made by the said Commissioners, or their Clerk or Clerks, Surveyor or Surveyors for the Time being, the said Commissioners shall and may, by Warrant under the Hand and Seal of any Justice of the Peace having Jurisdiction in the said City, Suburbs, or Liberty, as the Case may be, (who is hereby authorized and empowered to issue the same,) cause such Charges and Expences as aforesaid to be levied by Distress and Sale of the Goods and Chattels of such Defaulter or Defaulters, together with the Costs of such Distress and Sale; but if no Goods and Chattels of such Defaulter, of sufficient Value, can be found whereon to make such Distress, the said Justice shall and may commit such Defaulter or Defaulters to the Common Gaol or House of Correction of the District, for any Time not exceeding One Calendar Month, unless the said Charges and Expences and Costs shall be sooner paid.

No Alteration to be made in the Form of the Pavement, without the Consent of the Commissioners.

LV. And be it further enacted, That in case any Part of the Pavement or Flagging, or of the Surface of any Street or Place, shall be taken up or broken for the Purpose of laying or repairing any Gas Pipes or Water Pipes, the Parties so taking up or breaking shall within Thirty-six Hours give Notice to the Clerk of the said Commissioners respectively, or to a Surveyor by them appointed, of the Time when it is their Intention to replace such Flags or Pavement, or restore such Surface, which said replacing or restoring shall not be later than Eight Days from the Time

Pavements taken up to be made good by Persons taking up the same.

[Local.]

of filling in any Trench made by such Parties for such Purpose ; and the Parts of the Street or Place which shall have been uncovered or broken up shall be restored and made good, replaced and finished, and kept good and in proper Order for the Space of Three Calendar Months, by such Persons as shall have taken or broken up the same, in such Way and Manner as shall be directed by a Surveyor of the said Commissioners ; and any Person neglecting or refusing to replace, make good, or restore any Part so taken or broken up according to the Directions of such Surveyor, shall forfeit Ten Shillings for each Square Yard so neglected to be restored, made good, or finished ; and every Person neglecting to give such Notice shall forfeit the Sum of Forty Shillings ; and every Person unnecessarily leaving any Part of any Street or Place open, unpaved, unflagged, or uncovered, shall forfeit Ten Shillings for every Day during which such Part shall be so unnecessarily left open, unpaved, unflagged, or uncovered.

And in case of Neglect, then by Commissioners, at their Expence.

LVI. And be it further enacted, That in all other Cases when the Pavement or Flagging of any Street or Place, or the Surface thereof, shall have been taken up or broken, Thirty-six Hours Notice shall be given to the Clerk of the said Commissioners respectively, or to any Surveyor appointed by them, of the Time at which it is intended to relay, replace, or restore the said Flagging, Pavement, or broken Surface ; and if such Pavement or Flagging shall be neglected to be relaid, replaced, or restored, or shall be insufficiently replaced, relaid, or restored, the said Commissioners shall proceed to order the Street or Place to be properly amended, and shall demand the Charge of so doing from the Person or Persons who shall have neglected to repair or restore the same ; and in case of such Charge not being paid within the Space of Eight Days after the Demand thereof, the Justices of the Peace having Jurisdiction in the District in which such Default shall happen, or any One of them, may summarily hear the Matter, and determine and adjudge what Sum, if any, shall be paid by the Person so charged, and on Default of paying the same, shall order the Amount to be levied by Distress of his or her Goods and Chattels ; and if no Goods and Chattels sufficient to pay the Sum adjudged shall be found within the Jurisdiction of the said Justices of the Peace, then and in such Case they are hereby empowered to order the Defaulter to be committed to any Gaol or House of Correction within their Jurisdiction, for any Time not exceeding Three Calendar Months.

Persons erecting Buildings may take up Pavements, and give Notice, &c.

LVII. Provided nevertheless, and be it further enacted, That it shall and may be lawful for any Person or Persons who shall erect or alter any Buildings, or repair or amend any Drains or Watercourses in the said City, Suburbs, or Liberty, to take up any Pavement or Flagged Way, or break up any Surface of a Street or Place, which it shall be necessary to take up or break for the Purpose of the more conveniently erecting or altering such Building, or repairing or amending such Drain or Watercourse ; and every Person or Persons so taking up such Pavement or Flagged Way, or breaking such Surface, shall complete the Work in respect of which it was necessary so to take or break up such Surface with all convenient Speed, and shall, so soon as the Work is finished, give Notice to the Clerk of the said Commissioners respectively, or to one of their Surveyors, that such Work is finished ; and if any Person or Persons shall neglect to give such Notice, or shall unnecessarily protract the erecting

erecting or altering such Building, or repairing or amending such Drain or Watercourse, then such Person or Persons shall forfeit the Sum of Ten Shillings for each Day of Neglect of such Notice, and also for each Day of the unnecessary Protraction of such Work.

LVIII. And be it further enacted, That it shall be lawful for the said Commissioners respectively, and they are hereby authorized and empowered from Time to Time, and at any Time or Times hereafter, to purchase and provide such and so many Lamps of such Sorts and Sizes, and also such and so many Lamp Glasses, Irons, and Lamp Posts, and all other Materials and Things as they shall judge necessary, and to direct the said Lamps, Irons, and Lamp Posts to be affixed to or set up against the Walls or Palisadoes of all or any of the several Houses or Buildings, or upon, near to, or against any other Walls, or in or upon such other Places within the said City, Suburbs, and Liberty, and to be altered, taken down, or removed, in such Manner as they shall think fit, and to cause such Lamps, or any of them, to be lighted with Gas, Oil, or otherwise, in such Manner as to them shall seem necessary and proper for the well and sufficiently lighting of all or any of the Streets, Roads, Lanes, Highways, Passages, and other public Places within the said City, Suburbs, or Liberty; and also it shall be lawful for the said Commissioners, from Time to Time, to contract with the present Gas Light Company established in the said City or Suburbs, or with any other Company or Body, or with any Person or Persons, for lighting the said City, Suburbs, and Liberty, with Gas, Oil, or otherwise, for any Number of Years or other Time not exceeding Three successive Years, and upon such Terms and Conditions in all respects as the said Commissioners shall from Time to Time think proper; or otherwise the said Commissioners shall and may, and they are hereby authorized, when they may think it expedient so to do, of their own proper Authority, to light the said City, Suburbs, and Liberty, with Gas, Oil, or otherwise, and for that Purpose, with the Consent of the Mayor and Commonalty of the said City, to dig into and open the said Streets, Roads, Lanes, Highways, Passages, and Public Places, and lay therein Mains or Pipes, and other necessary Materials and Things, and to build, provide, erect, and purchase the necessary Buildings, Apparatus, and Machinery for that Purpose, and also to contract with, employ, find, and provide all necessary and proper Lamplighters, Furniture, Appendages, and other Materials and Things for the Purposes aforesaid.

Power for
lighting the
Streets, &c.

LIX. Provided also, and be it further enacted, That the said Commissioners respectively shall cause the said Streets and Places in the said City, Suburbs, and Liberty, to be well and sufficiently lighted with Gas or Oil, from Dusk in the Evening till Daybreak, and for at least Eight Months of the Year, commencing on the First Day of *September* in each Year, and also during the Periods of the *York* Races, and of holding the Assizes for the City and County of *York*; and any Contract for lighting, which shall be made for a shorter Number of Hours or a less Period of Time than is hereby required, shall be void.

Regulations
as to Times
of lighting.

LX. And be it further enacted, That it shall be lawful for the said Commissioners, from and after the Thirty-first Day of *August* next, to annul and vacate any Contract or Contracts which shall then be existing between the *York* Gas Company and any of the said Parishes or Places:

Existing Con-
tracts may
be vacated.

Provided

Provided always, that the said respective Commissioners shall, on or before the said Thirty-first Day of *August* next, and they are hereby authorized, directed, and required, in case of their annulling and vacating any such Contract or Contracts, to make or tender a fair and just Compensation and Satisfaction to the said Gas Company for the Loss or Damage which they may or might thereby sustain; and in case the said Gas Company shall be dissatisfied with the Amount of such Compensation, the said Gas Company shall and may, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, recover Compensation for the Loss or Damage by them sustained, and also, unless the Amount recovered shall be less than the Sum tendered by or on behalf of the said Commissioners, shall have and recover their full Costs of Suit.

Not to fix or
continue Gas
Pipes without
Consent.

Commis-
sioners, &c.
to repair
Damage done
to Walls, &c.

LXI. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said respective Commissioners, or any Company or Companies, or Body or Bodies Politic or Corporate, or any Person or Persons whomsoever, to carry, lay, place, or fix any Pipe or Pipes, or other Thing for the Conveyance of Gas or Inflammable Air, through, over, against, or into any Dwelling House or private Building, or through or into any private Lands, Tenements, or Hereditaments, or so to continue the same, without the special Licence, Consent, and Authority in Writing of the Owner and Occupier of every such Dwelling House, Building, Land, Tenement, or Hereditament; provided also, that if any Injury or Damage shall be occasioned to any Building or Wall or other Erection, by the affixing, setting up, taking down, altering, or removing any Lamp, or any Lamp Iron or other Fastening thereof, the said Commissioners shall immediately cause the said Injury or Damage to be well and sufficiently repaired, and the Expences attending the same shall be paid out of the Money to be raised by virtue of this Act.

Branch and
Service Pipes
to be kept
charged with
Gas.

LXII. And be it further enacted, That the Branch or Service Pipes which shall be laid down for lighting the said Streets, Roads, Lanes, Highways, Passages, and Places, shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Penalty on
Persons da-
maging
Pipes, &c.

LXIII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously remove, destroy, or in any Manner damage or injure any Pipe, Plug, or other Apparatus, Matter, or Thing whatsoever belonging to any Works for supplying such Gas, or shall wilfully or maliciously waste, or contrary to or beyond his, her, or their Contract, use or consume any of the Gas or Inflammable Air supplied by the said respective Commissioners, or Contractor or Contractors, every Person so offending in any of the Premises, and being thereof lawfully convicted on the Oath or Affirmation of One credible Witness, before One or more Justice or Justices of the Peace having Jurisdiction in the said City or Liberty, as the Case may be, forfeit and pay to the said Commissioners, or Contractor or Contractors, any Sum not exceeding Five Pounds, and also Three Times the Amount of the Damage done or occasioned by such Misconduct, to be ascertained by such Justice or Justices; and such Penalty and Damage, together with reasonable Costs, shall be levied by Distress and Sale of the Goods and Chattels of such Offender;

Offender; or such Offender shall and may, at the Option of such Justice or Justices, be committed to the Common Gaol or House of Correction of the District for any Term not exceeding Three Calendar Months.

LXIV. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall have been laid down or set up by the said respective Commissioners, or by any Body Politic or Corporate, or by any Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said City, Suburbs, or Liberty, for lighting any Street, Highway, or Place, or any House, Manufactory, Building, or other Premises therein, the said Commissioners, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall, immediately after Notice given to them or either of them, either verbally or in Writing, of any such Escape of Gas, by any Inhabitant or Inhabitants within the said City, Suburbs, or Liberty, or any other Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent the further Escape of such Gas; and in case the said Commissioners, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not within Twenty-four Hours next after such Notice given effectually stop and prevent any further Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Commissioners, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, as the Case may be, shall for every such Offence forfeit and pay the Sum of Five Pounds for each Day, after the Expiration of Twenty-four Hours from the Time of giving such Notice, during which the said Gas shall be suffered to escape; which Penalty or Penalties shall from Time to Time be recoverable in a summary Way, on the Oath or Affirmation of any credible Witness or Witnesses, by Information to be laid before some Justice or Justices of the Peace having Jurisdiction in the District in which the Cause of Complaint shall arise, and shall and may be levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Commissioners, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, as the Case may be.

Commissioners and Contractors to prevent the Escape of Gas.

LXV. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round the said Streets, Roads, Lanes, Highways, Passages or Places, shall be so laid at the greatest practicable Distance, and (whenever the Width of the Carriageway in such Street or Place will allow thereof) at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Roads, Lanes, Highways, Passages or Places, (except in Cases where it shall be unavoidably necessary to lay the said Gas Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes, at the greatest practicable Distance therefrom, and shall form therewith a Right Angle; and in such Cases, the Length of the said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet, in order that no Joint of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least); and that in laying down the said Gas Pipes, the Party or Person laying the same shall in no Case join Two or more Gas Pipes

Gas Pipes to be laid at a Distance from Water Pipes.

[Local.]

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together

together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall then in such Trench, and not before, properly form and complete, with proper and sufficient Materials, the jointing with the other Pipe or Pipes to be connected therewith, and shall also make and keep air-tight all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, and in all and every respect prevent the said Gas from escaping therefrom, or from any Part thereof, upon pain of forfeiting for every Default the Sum of Fifty Pounds.

Commis-
sioners, &c.
to prevent
Escape of
Gas and Con-
tamination of
Water.

LXVI. And be it further enacted, That whenever the Water of the Company of Proprietors of the *York* Waterworks, or other Owners or Proprietors of any Waterworks within the said City and Suburbs, or the Liberty of *Saint Peter*, or the Water in any Well or Pond belonging to or used by any Party or Person in the said City, Suburbs or Liberty, shall be contaminated or affected by any Gas of the said respective Commissioners, or of any Body or Bodies Politic or Corporate, Company or Companies, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Highway, or Place, or any House, Manufactory, Building, or other Premises therein, the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and the same shall be applied to and for the Use and Benefit of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or Party or Person using such Water and suing for the same; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall within Twenty-four Hours next after Notice thereof in Writing, signed by any of the Directors, or by the Treasurer, or by the Manager or Chief Clerk for the Time being of and for the said Company of Proprietors, or by other the Owners or Proprietors of any Waterworks, or by any other Party or Person whomsoever interested in or using such Water, to be left at the usual Office or Place of transacting Business of the said Commissioners, Body or Bodies, or Company or Companies, or at the last or usual Place of Abode of such other Person or Persons as aforesaid, cause Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting any such Water; and in case the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall not within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to such Company of Proprietors, or to their Treasurer for the Time being, or to any one of the Directors for the Time being of the said
Company

Company of Proprietors, or the Owners or Proprietors of any such Waterworks, or other Parties or Persons aforesaid, for the Use and Benefit of the same Owners or Proprietors, or Parties or Persons, over and above the before-mentioned Penalty of Twenty Pounds to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which any such Water shall be and remain contaminated, tainted, or affected by any such Gas; and in Default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath of one credible Witness, by and in the Name of the Treasurer, Manager, or Chief Clerk for the Time being of the said Company of Proprietors, or by and in the Name of any one or more of the Directors of the said Company of Proprietors, or by other the Owners or Proprietors of any Waterworks, or by any such other Parties or Persons as aforesaid, at the Option of the Parties prosecuting such Information against the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, before any Justice of the Peace having Jurisdiction in the said City, Suburbs, or Liberty respectively, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties and Costs when so levied shall be paid to the Treasurer, or to One of the Directors for the Time being of the Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or to such other Parties or Persons as aforesaid, for the Use of the same Owners or Proprietors.

LXVII. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said respective Commissioners, Body or Bodies, Company or Companies, or other Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the said City, Suburbs, or Liberty, or for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein; be it therefore enacted, That in every such Case it shall and may be lawful for the Owners or Proprietors of any Waterworks to dig to and about, and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by the Gas of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen

For ascertaining if the Water be contaminated.

arisen from any such Escape of Gas from any of the Main, Pipes, or Conduits of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, then and in such Case the said Company or other the Owners or Proprietors of any Waterworks, or other Party or Person making Complaint of such Contamination, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement of the said Streets so broken up or disturbed in such Search or Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or Justices of the Peace as aforesaid.

Penalty on Commissioners or Contractors suffering Liquids, produced by Manufacture of Gas, to flow into any Stream, &c.

LXVIII. And be it further enacted, That if the said respective Commissioners, or any Body or Bodies Politic or Corporate, or Company or Companies, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said City, Suburbs, and Liberty, for lighting any Street, Highway, or Place, or any House, Manufactory, Building, or other Premises therein, shall at any Time carry or convey, or cause or suffer to be carried or conveyed, or to run or flow, any Washings or other Liquids, Substances, or Things whatsoever, which shall be used, made, or produced from the Manufacture of Gas or Inflammable Air as aforesaid, or in the Prosecution of the said Gas Works, into any River, Brook, Stream, Reservoir, Aqueduct, Canal, Feeder, Pond, or Springhead, or shall commit or cause to be committed any Annoyance, Act, or Thing whatsoever to the Water contained in any such River, Brook, Stream, Reservoir, Aqueduct, Canal, Feeder, Pond, or Springhead, whereby the said Water shall or may be soiled, damaged, or corrupted, then and in every such Case the said Commissioners, or Body or Bodies Politic or Corporate, or Company or Companies, or such other Person or Persons, as the Case may be, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, with full Costs of Suit, to any Person or Persons who shall inform or sue for the same Penalty or Forfeiture in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, or more than One Impar lance shall be allowed: Provided always, that no such Penalty or Forfeiture shall be recoverable, unless the same be sued for within Twelve Calendar Months after the Time when such Annoyance, Act, and Thing shall have been committed, or have ceased: Provided also, that in addition to the said Penalty or Forfeiture of Two hundred Pounds, (and whether such Penalty shall or shall not be sued for or recovered,) in case any of the said Washings or other waste Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or suffered to run or flow in manner aforesaid, into any River, Brook, or Running Stream, or any Reservoir, Aqueduct, Waterway, Canal, Feeder, Pond, or Springhead, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in

Writing

Writing shall have been given by any Person or Persons to the said Commissioners, or Body or Bodies Politic or Corporate, or Company or Companies, or such other Person or Persons as aforesaid, and the said Commissioners, or Body or Bodies Politic or Corporate, or Company or Companies, or such other Person or Persons as aforesaid, shall not within Twenty-four Hours after such Notice stop and prevent the further Continuance of such of the Causes of Complaint as shall be expressed in such Notice, then and in every such Case the said Commissioners, or the said Body or Bodies Politic or Corporate, or Company or Companies, or such other Person or Persons as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each Day such Cause or Matter of Complaint shall continue; and any Justice of the Peace having Jurisdiction as aforesaid, upon Conviction of the Offender or Offenders before him, upon the Oath or Affirmation of any credible Witness (which Oath or Affirmation the said Justice is hereby authorized and empowered to administer and take,) shall and may, by Warrant under his Hand and Seal, cause the said Penalty or Forfeiture, and also the Costs attending such Conviction, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders; which Penalty, when recovered, shall, at the Discretion of the said Justice, either be paid to the Informer, or to the Person or Persons who in the Judgment of the said Justice shall have sustained any Annoyance, Injury, or Damage by any such Cause or Matter of Complaint as aforesaid.

LXIX. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend or be construed to extend to protect the said respective Commissioners, or any Body or Bodies Politic or Corporate, or any Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said City, Suburbs, or Liberty, for lighting any Street, Highway, or Place, or any House, Manufactory, Building, or other Premises therein, or any of the Servants or Officers or Workmen of the said Commissioners, or of any such Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, from any Indictment or Prosecution for a public or private Nuisance in respect of any Works, or the Means which shall be employed by them in making such Gas, and using the same, or furnishing any such Gas Light, nor from any Action or Actions for any Injury or Damage sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation or the Use of the same Gas, or the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Act not to protect Persons, &c. lighting with Gas from being indicted for a Nuisance.

LXX. And be it further enacted, That if any Person or Persons shall wilfully break, destroy, remove, throw down, displace, or otherwise injure or damage any Lamp which shall be erected by the said respective Commissioners, or by any such Contractor or Contractors, or any other Person or Persons, at his, her, or their own Expence, for the Purpose of lighting any of the said Streets, Roads, Lanes, Highways, Passages, or Places, or any Post, Iron, Cover, or Furniture thereof, or any Appurtenances thereof, or shall wilfully extinguish the Light or Lights of

Penalty for wilfully breaking or damaging Lamps, &c.

[Local.]

or in any such Lamp or Lamps, or molest or prevent the Lighter from either lighting or extinguishing any such Lamp or Lamps, or mischievously relight any of them after the same shall have been extinguished by such Lighter, it shall and may be lawful for any Justice of the Peace having Jurisdiction as aforesaid, and he is hereby authorized, upon Complaint on Oath of any such Offence having been so committed, to issue his Warrant for the Apprehension of such Offender or Offenders; and it shall and may also be lawful for any Person or Persons who shall see such Offence committed to apprehend and secure, without any such Warrant as aforesaid, and also for any other Person or Persons to assist such first-mentioned Person or Persons in apprehending and securing such Offender or Offenders, and to deliver him, her, or them into the Custody of a Constable or other Peace Officer, in order to be detained in Custody, and conveyed before some Justice of the Peace having Jurisdiction as aforesaid; and every such Justice before whom such Offender or Offenders shall be brought, either by Warrant or otherwise, as aforesaid, shall and he is hereby required to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Offender or Offenders shall be thereof lawfully convicted, either on his, her, or their own Confession, or upon such Evidence as aforesaid, then and in every such Case he, she, or they shall for every such Offence respectively forfeit and pay any Sum not exceeding Five Pounds, and shall besides make a full Satisfaction, to be ascertained by such Justice, to the said Commissioners, or to the Party injured by the Damage so done; and in case such Offender or Offenders shall not forthwith, upon Conviction, pay or cause to be paid such Penalty and Satisfaction as aforesaid, such Justice is hereby authorized and required to commit such Offender or Offenders to the Common Gaol or House of Correction of the District, there to be kept to hard Labour for any Time not exceeding Three Calendar Months, unless such Penalty and Satisfaction shall be sooner paid.

Satisfaction
to be made
for accidental
Injury to
Lamps, &c.

LXXI. And be it further enacted, That if any Person or Persons shall carelessly, negligently, or accidentally break, throw down, destroy, or otherwise injure or damage any such Lamp as aforesaid, or the Post, Iron, Cover, or Furniture thereof respectively, or any Appendage thereto, and shall not upon Demand make Satisfaction for the Damage done, then and in every such Case it shall be lawful for any Justice of the Peace having Jurisdiction as aforesaid, and he is hereby required, upon Complaint thereof, to summon before him the Party or Parties so complained of, and upon his, her, or their Appearance, or Default therein, such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either by Confession of the Party or the Oath or Affirmation of any credible Witness, shall award and order such Satisfaction to be made by the Parties or Party complained against, unto the said respective Commissioners, or the Owner or Owners of such Lamp or Lamps, as to such Justice shall appear just and reasonable; and in case the Sum so awarded shall not be forthwith paid, it shall and may be lawful for such Justice, and he is hereby required, to cause the same to be levied and recovered in such and the same Manner as any Fine or Penalty is by this Act directed to be levied and recovered before any Justice of the Peace.

LXXII. And

LXXII. And be it further enacted, That it shall be lawful for the said respective Commissioners; and they are hereby authorized and empowered, to cause all the Streets, Roads, Lanes, Highways, Passages, and Places within the said City and Suburbs and Liberty of *Saint Peter*, or such of them as they shall think fit, to be properly scraped, watered, and cleansed, and for this Purpose to hire or employ any Person or Persons, and to purchase or hire any Cart or Carts, or other Carriage or Carriages, and also any Horse or Horses, and to cause the Dirt and Soil, Dung, Manure, and Filth, found in any such Streets, Roads, Lanes, Highways, Passages or Places, to be taken and carried away.

Commissioners empowered to cause Streets to be cleansed.

LXXIII. And be it further enacted, That it shall be lawful for the said respective Commissioners, when and as they shall deem expedient, to order the respective Occupiers of Houses or other Buildings, Tenements, or Lands, and the Trustees or Churchwardens of any Public Buildings, Churches, or Places of Worship, and also the Owners of any unoccupied Tenements fronting to or adjoining upon any of the Streets, Markets, Highways, Roads, or Public Places within the said City, Suburbs, or Liberty, to cause to be well and sufficiently scraped, swept, and cleansed, the Footways and Foot Pavements, and the Watercourses opposite the same respectively, to the full Extent of the said Footways or Foot Pavements, the whole Length of their respective Houses or other Buildings or Property, as the Situation thereof shall require, and to remove Snow from the Roofs of the said Houses and Buildings; and in Default thereof such Occupier or other Person or Persons shall for every such Offence forfeit and pay to the said Commissioners any Sum not exceeding Forty Shillings.

Inhabitants to sweep Foot Pavements opposite their Houses.

LXXIV. And be it further enacted, That in case any Person shall sweep, rake, or place, or cause to be swept, raked, or placed, any of the Mud, Dirt, Dust, Rubbish, Snow, Ice, Filth, or Soil in the said Roads, Streets, Lanes and Places, to, into, or upon, or the Channels on the Sides of the said Roads, Streets, Lanes, and Public Places, and shall not immediately remove the same, every Person so offending in any of the said Cases shall forfeit and pay any Sum not exceeding Forty Shillings.

Dirt not to be swept into Channels.

LXXV. And be it further enacted, That no Person shall empty or begin to empty any Privy, or take or carry away the Soil of any Privy, or the Refuse of any Slaughterhouse, or bring or place any Cart or other Carriage for removing the same respectively from any House, Building, or Place already or hereafter to be erected, built, or made in the said City, Suburbs, or Liberty, at any other Time than between the Hours of Twelve of the Clock at Night and Seven in the Morning from the First Day of *March* to the First Day of *October*, and between the Hours of Twelve of the Clock at Night and Eight in the Morning from the First Day of *October* to the First Day of *March*; and if any Person shall offend herein, he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Regulations as to removing Night Soil, &c.

LXXVI. And be it further enacted, That no Person shall lay or cause to be laid any Soil, Manure, Dung, or Ashes on any of the Public Staiths or Landing Places upon or adjoining to the Rivers *Ouse* and *Foss*, or either of them, in the said City or Suburbs, at any other Time than

Regulations as to laying Soil, &c. on Staiths.

than between the Hours of Twelve of the Clock of each Night and Ten of the Clock of the following Morning; and if any Person shall offend herein, he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Carts used
in removing
Soil, &c. to
have Flush-
boards.

LXXVII. And be it further enacted, That no Person shall, at any Time hereafter, drive or cause to be driven any Cart or other Carriage with Soil from any Privies, ammoniacal Liquor, Lime, Mortar, Slop, Filth, Channel Mire or Dirt therein, through, in, or over any of the Streets, Lanes, or other Passages or Places in the said City, Suburbs, or Liberty, unless such Cart or other Carriage shall be constructed with proper Side or Flushboards, or otherwise, so as to prevent the Contents thereof from slopping, spilling, or escaping from such Cart or other Carriage in or upon any of the said Streets, Lanes, or other Passages or Places; and if any Person shall offend herein, he or she shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Commis-
sioners em-
powered to
establish a
Watch and
Patrol.

LXXVIII. And be it further enacted, That it shall be lawful for the said respective Commissioners, and they are hereby authorized and empowered, from Time to Time, to cause the said Streets, Roads, Lanes, Highways, Passages, and Places, or such of them as they shall think fit, to be safely and properly watched, and for that Purpose from Time to Time to appoint such a Number of able-bodied Men as they shall consider necessary to be employed as Watchmen, or as a Patrol, and under such Regulations and subject to such Orders as the said Commissioners respectively shall from Time to Time appoint and make in that Behalf; and also from Time to Time, and at their Discretion, to remove and displace such Watchmen or Patrol, or any of them, and to appoint others in their Place and Stead; and also to provide proper Watch Boxes, Watch Houses, or Places for the Reception of such Watchmen or Patrol, and for the safe Custody of such Persons as may be apprehended by such Watchmen or Patrol while on Duty; and also to pay to such Watchmen or Patrol reasonable Wages or Allowances; and every Watchman or Patrolman who shall be guilty of Neglect or Misbehaviour in his Office shall forfeit any Sum not exceeding Forty Shillings; and the said respective Commissioners are hereby further authorized and empowered from Time to Time to make such Orders and Regulations as they the said Commissioners shall deem expedient for the better Government of the Watchmen or Patrolmen to be so appointed as aforesaid, and to repeal such Orders and Regulations, or any of them, and to substitute others, and to give and allow such Rewards or Allowances as the said Commissioners shall think fit to any Watchman or Patrolman, or Person or Persons assisting them, who may be disabled, hurt, or wounded in the Execution of his or their Office or Duty.

Watchmen
to apprehend
Offenders.

LXXIX. And be it further enacted, That it shall and may be lawful for such Watchmen or Patrolmen, or any of them, and they are hereby required, in their respective Stations, to apprehend and secure in some proper Place or Places of Security to be for that Purpose provided as aforesaid, or elsewhere in the meanwhile, all Rogues, Vagabonds, Vagrants, idle, disorderly, or suspected Persons, Disturbers of the public Peace, Prostitutes and Night Walkers, and all Persons who shall be found wandering or misbehaving themselves, and to convey all such Persons, as

soon as conveniently may be, before some Justice of the Peace having Jurisdiction in the Place in which the Offence shall be committed, to be examined and dealt with according to Law; and any one Justice of the Peace may summarily examine into the Case, and commit the Offender or Offenders to the Gaol or House of Correction for the District for any Time not exceeding Seven Days, or otherwise commit or let out on Bail the Offender or Offenders, to be tried in the ordinary Course of Law.

LXXX. Provided always, and be it further enacted, That all such Watchmen or Patrolmen as aforesaid shall, before they respectively begin to act, be approved of and sworn in as Constables by any Justice or Justices of the Peace having Jurisdiction in the District for which they shall be appointed, and they are hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, as any Constable or Constables is or are invested with, or have and enjoy by Law; and such Justices of the Peace are also hereby authorized and empowered to remove and displace any such Watchmen, Patrolmen, or Constables, in case of Neglect or Misbehaviour in their Office.

Watchmen to be sworn in as Constables.

LXXXI. And be it further enacted, That if any Victualler, Alehouse Keeper, or other Person selling Ale, Beer, Cider, Spirituous or other Liquors, by Retail, shall entertain or harbour in his or her House or Premises any Watchman or Patrolman during any of the Hours or Times appointed for the Attendance on Duty of such Watchman or Patrolman under this Act, every such Victualler, Alehouse Keeper, or other Person so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Victuallers not to harbour Watchmen.

LXXXII. And be it further enacted, That all Houses and Buildings in any of the present or future Streets, Lanes, Roads, Passages, or other public Places within the said City and Suburbs and Liberty of *Saint Peter*, which hereafter shall be erected or built, or new-fronted or rebuilt, shall be made to rise perpendicularly from the Foundations thereof; and no Part of the Front of any ancient House or Building within any of the said Streets, Lanes, Roads, Passages, or other 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 present or future Streets, Lanes, Roads, Highways, Passages, or public Places, shall on any Pretence whatsoever be brought forwards beyond the old Foundation; and if any Person or Persons shall at any Time hereafter erect or build, or new-front or rebuild, or cause to be erected or built, or new-fronted or rebuilt, any House or Building in the said present or future Streets, Lanes, Roads, Passages, or public Places, or any of them, in any other Manner than so as to rise perpendicularly from the Foundation thereof, or so that any 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 respective 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

Regulations as to building Fronts of Houses.

[*Local.*]

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removed

removed by any Person or Persons who shall be directed so to do, by an Order in Writing signed by 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 respective Commissioners by the Owner or Owners of such House or Building, and in default of Payment thereof within Twenty Days next after Demand in Writing made in that Behalf by the Clerk or Clerks to the said respective Commissioners, the same, having been ascertained by some Justice or Justices of the Peace for the City or Liberty in which the Premises shall be situate, shall and may be recovered in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered, and when received the same shall be paid to the Treasurer or Treasurers to the said respective Commissioners, to be applied to the general Purposes of this Act; provided nevertheless, that the said Commissioners may, with the Assent of the said Mayor and Commonalty, but not otherwise, agree, by giving up any Portion of Ground, Part of any Street or Way, and receiving any Portion of Ground in lieu thereof, to make a straight Line in any Buildings, Wall, Hedge, or other Boundary of any Street or Way.

Projections,
&c. to be
removed by
Commis-
sioners.

LXXXIII. And be it further enacted, That it shall be lawful for the said respective Commissioners from Time to Time to cause all and every or any of the projecting Windows, Palisadoes, Rails, Posts, Fences, Steps, Scrapers, Cellar Windows, Cellar Doors, Hatchways, Frontsteads, and other Obstructions and Projections whatsoever, and of what Nature or Kind soever, which are already erected, affixed, set up, laid down, or being against or in front of or belonging to any Houses or other Buildings whatsoever, in any of the Streets, Lanes, Roads, Passages, or other public Places within the said City and Suburbs or Liberty of *Saint Peter*, which shall be public Annoyances or Nuisances, by reason of their projecting into, or encroaching upon, or otherwise obstructing, annoying, or endangering the public Passage along any of the aforesaid Streets, Lanes, Roads, Passages, or other public Places, and also any Hogsties therein, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed by 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; and also from Time to Time to pull down and remove, or cause to be pulled down and removed, all or any Posts, Rails, Pales, Trees, or Fences in or near the Streets, Lanes, Roads, Passages, or public Places, or any of them, within the said City or Suburbs or Liberty, which shall be useless, or be a Nuisance or Obstruction to Passengers, Horses, or Carriages, they the said Commissioners nevertheless first causing Twenty Days Notice in Writing, under the Hands of the said respective Commissioners, or their Clerk, to be given to the respective Owners or Occupiers of such Houses or other Buildings, of their Intention to take down, fill up, remove, alter, or reform such Obstructions or Projections, and to remove such Hogsties respectively, and causing as little Damage to be done in effecting every such Removal or Alteration as the Nature of the Case will allow, and also defraying the whole Costs and Charges of executing the same; provided nevertheless, that the said respective Commissioners shall and they are hereby required to make reasonable Satisfaction and Compensation for any Loss or Damage to the several Owners, Proprietors, and Occupiers of Tenements, Buildings, Lands, or Premises, in consequence of such

Owners to be
recompensed
for Loss or
Damage
arising from

taking down, filling up, removal, carrying away, or Alteration of Obstructions, Projections, or Annoyances existing or being at the Time of the passing of this Act, for any Damage and Injury which shall be thereby done to any Property of such Owners and Proprietors; and if the said Commissioners and such Person or Persons cannot agree as to the Sum to be paid by the said Commissioners, the Amount thereof shall be ascertained, fixed, and determined by any Two or more Justices of the Peace acting for the District in which such Claim for Compensation shall arise.

the Execution of this Act.

LXXXIV. And be it further enacted, That the several Occupiers of Houses and other Buildings situate in the several Streets, Lanes, Roads, or other public Places within the said City and Suburbs and Liberty of *Saint Peter*, and every of them, are hereby required, at their own respective Costs and Charges, within Twenty Days next after their respectively receiving Notice in Writing from the said respective Commissioners in that Behalf, signed by any Five or more of the said Commissioners, to cause all and every the projecting Windows, Posts, Fences, Steps, Scrapers, Cellar Windows, Cellar Doors, Hatchways, Frontsteads, Court Yards, and other Obstructions and Projections which shall in future be erected, set up, affixed, laid down, or be against or in front of or belonging to their respective Houses or other Buildings, which shall be 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, Roads, Passages, or other public Places within the said City and Suburbs and Liberty, 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 respective Commissioners; and in case the Occupier of any such House or other Building as aforesaid shall neglect or refuse to cause any such projecting Window, Post, Fence, Step, Scraper, Cellar Window, Hatchway, Frontstead, Court Yard, or other Projection or Obstruction whatsoever, which shall in future be so erected, set up, affixed, laid down, or be against or in front of or belonging to his or her House or other Building, which shall be 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 respective Commissioners to cause the same to be forthwith done by some 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 for the District in which the Premises shall be situate, 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 received, the same shall be paid to the Treasurer or Treasurers of the said respective Commissioners, to be applied to the general Purposes of this Act within their said respective Districts; and it shall be lawful for the Occupier of any such House or Building, or 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,

Future Projections removed by Occupiers.

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.

Encroachments to be removed by Occupiers.

LXXXV. And be it further enacted, That the several and respective Occupiers of Houses and other Buildings situate in the several Streets, Lanes, Roads, Passages, and other public Places within the said City and Suburbs and Liberty of *Saint Peter*, and every of them, are hereby authorized and required, at their own respective Costs and Charges, within Twenty Days next after their respectively receiving Notice in Writing, signed by the said respective 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 in anywise affixed or set up, and which shall be 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, Roads, Passages, or public Places within the said City or Suburbs or Liberty, to be taken down, removed, and carried away, or otherwise altered or reformed in such Manner as shall be directed by the said respective 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 as Annoyance or Nuisance as aforesaid, to be taken down, 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 respective Commissioners to cause the same to be forthwith done by some 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 for the City or Place in which the Premises shall be situate, 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 received, the same shall be paid to the Treasurer or Treasurers of the said respective 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 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 Costs and Expences of altering or removing the same.

Names of Streets and Numbers of Houses to be put up.

LXXXVI. And be it further enacted, That the said respective Commissioners shall or may cause to be painted, engraved, or otherwise described and placed on a conspicuous Part or Parts of any one or more House or Houses, Building or Buildings, at or near each End, Corner, or Entrance of every Street, Lane, Road, Passage, or other public Place within the said City and Suburbs and Liberty of *Saint Peter*, the Name by which such Street, Lane, Passage, or other public Place now is or shall

shall be called or known, and shall or may also cause every House and Building in the several Streets, Lanes, Roads, Passages, and other public Places in the said City, Suburbs, and Liberty, 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 from Time to Time vary the same Numbers and Figures as Occasion may require; and if any Person or Persons shall wilfully destroy, obliterate, deface, remove, or without the Consent of the said Commissioners 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 any Sum not exceeding Forty Shillings.

LXXXVII. And be it further enacted, That when any such Numbers or Figures, painted or placed on any House or other Building, or on the Door thereof, within the said City and Suburbs and Liberty, 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 Clerks to the said respective Commissioners, cause the same Numbers 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 any Sum not exceeding Forty Shillings.

Numbers to be renewed.

LXXXVIII. And be it further enacted, That all Spouts and Pipes for conveying Water from the Roofs of Houses or other Buildings into the said Streets, Roads, Lanes, Highways, Passages, or Places, shall be so constructed and placed as to convey such Water close to the Face or Sides of such Houses or Buildings down to the Ground or Pavement, and so as not to fall upon or incommode any Passenger on any Street or Footpath; and no Fall Pipe or Spout shall project more than Five Inches from the Wall of any House or Building; and in case of any new Building to be erected after the passing of this Act, no Cornice or horizontal Spout shall project more than Fourteen Inches from the Wall thereof towards any Street, Road, or Way; and if the Tenant or Occupier of any House or Building shall permit or suffer any Spout or Pipe, or Cornice, to remain placed or constructed contrary to the Directions of this Act, for the Space of Seven Days after Notice in Writing from the said respective Commissioners, or their Surveyor for the Time being, requiring a Conformity with such Directions, shall have been left at the House or Building of such Tenant or Occupier, every Person so offending shall forfeit and pay the Sum of Twenty Shillings for each Day the said Spout or Pipe shall remain so placed or constructed, to be recovered in the same Manner as any Penalty imposed by this Act is herein directed to be recovered.

Regulating Spouts, Pipes, &c.

LXXXIX. And be it further enacted, That where any Aperture or Opening is now or shall hereafter be made in the paving or flagging of any of the said Streets, Roads, Lanes, Highways, Passages, or Places, for the Conveyance of Coals or any other Articles, Matters, or Things into any Vault or Cellar, whether such Vault or Cellar be inhabited or uninhabited,

For regulating Openings into Vaults, &c.

[*Local.*]

or for the Purpose of admitting Light into any Room, Vault, or Cellar, or for any other Purpose whatsoever, the Door, Lid, Flap, Covering, or Grating to such Aperture or Opening shall be made at the Expence of the Tenant or Occupier of the Room, Cellar, Vault, Building, or other Premises to which such Opening shall communicate or belong, of Iron or such other Materials, of such Dimensions, and in such Manner and Form as the said respective Commissioners, or their Surveyor or Surveyors for the Time being, shall direct and approve of; and every such Door, Lid, Flap, Grating, or Covering, shall from Time to Time be repaired, varied, and altered, at the like Expence of the Tenant or Occupier for the Time being of the said Room, Cellar, Vault, Building, or other Premises to which the same shall appertain or belong, and in such Manner and Form as the said Commissioners, or their Surveyor or Surveyors, shall direct or appoint; and in case such Tenant or Occupier shall cause any such Door, Lid, Flap, Grating, or Covering to be made, repaired, or altered, or shall neglect or refuse to make, repair, vary, or alter the same according to such Direction or Appointment as aforesaid, or shall cause or permit the same to be left open without the Aperture or Opening caused thereby being well and sufficiently lighted and guarded, so as to prevent Accidents therefrom, or shall not have the Covering of such Aperture or Opening properly fastened and secured, every Tenant or Occupier so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings; to be recovered in the same Manner as any other Penalty imposed by this Act is hereby directed to be recovered.

Vaults, not to extend under the Street above One-fourth of the Breadth.

XC. And be it further enacted, That no Vaults or Areas shall, after the passing of this Act, be made or extended by any Person or Persons in the Front of their respective Messuages, Buildings, or Premises, where they adjoin on any public Street or Way, under such Street or Way beyond One-fourth Part of the Breadth of the Street or Way fronting such Messuages, Buildings, or Premises; and that in case any Person shall so make or extend any Vault or Area beyond One-fourth Part of the Breadth of such Street or Way, and shall continue such Extension after the Expiration of Twenty-one Days Notice thereof from the said respective Commissioners, he, she, or they shall forfeit and pay any Sum of Money not exceeding Twenty Pounds for every Calendar Month during which such Extension shall be so continued; to be recovered, with full Costs of Suit, by Action at Law in any of His Majesty's Courts of Record.

Communication Drains not to injure public Drains.

XCI. And be it further enacted, That no Person shall cause any private Drain to be made or enlarged which shall communicate with any public Drain now made or hereafter to be made, so as such public Drain shall be obstructed or injured thereby; and in all Cases whatever of enlarging or altering a private Drain which communicates with a public Drain, or of making any new Communication between any private Drain and a public Drain, Three Days Notice at least shall be given to the said respective Commissioners or their Surveyor, of the Intention to enlarge, alter, or make such Communication; and all Alterations, Enlargements, or Communications made, shall be made and done under the Direction of the said respective Commissioners; and if any Person shall be convicted of altering or enlarging any such private Drain, or making Communication between a private and a public Drain, without such Notice as is herein-

herein-before stated, or contrary to the Directions of the said Commissioners to be given respecting the same, he shall forfeit and pay a Sum not exceeding Ten Pounds.

XCII. And be it further enacted, That if any Person or Persons shall upon any of the Footways or Foot Pavements in any of the Streets, Roads, Lanes, Highways, Entries, Passages or Places within the said City, Suburbs, or Liberty, run, draw, drive, or carry any Wheel, Sledge, Wheelbarrow, Handbarrow, Bier, or other Carriage whatsoever, or any Ladder, or long Piece of Timber or Iron, or beat or shake any Carpet, or roll any Cask or Tub further than the Extent of the Premises in the Occupation of the Person or Persons from or to whose House or Building such Cask or Tub shall be rolled; or if any Person or Persons shall wilfully drive any Cart or Carriage whatsoever, or shall ride, lead, or drive any Horse or other Beast, or any Cattle whatsoever, or shall haul or drag any Timber, Stone, or other Matter or Thing upon any of the said Footways or Foot Pavements, or shall erect, fix, or use thereon, without the Consent and Leave of any Two or more Justices of the Peace for the District, any Stall, Tent, Shed, or standing Place for the Exhibition or Sale of any Goods, Wares, or Merchandize, or fix or use thereon any Block or Working Place, or shall place the same respectively, without such Leave and Consent as aforesaid, so near to any of the said Footways or Foot Pavements as in any Manner to obstruct the passing thereon, or shall put, place, or lay thereon any Cask, Tub, Pail, Bucket, Stool, Bench, or any other Matter or Thing, and suffer the same to remain so as to cause any Obstruction or Impediment in any of the said Footways or Foot Pavements, or shall do or cause to be done any Injury, Damage, or Nuisance in or to any public Walk or Walks, or Footpaths or Causeways, or to any Trees, Plantations, Shrubs, Hedges, Posts, Rails, or Fences in or upon or near to the same; or shall in any Street, Road, Lane, Highway, Entry, Passage, or Place within the said City, Suburbs or Liberty, burn any Cork, or hoop, fire, cleanse, wash, scour or scald any Cask or Tub, or hew, saw, or cut any Stone, Wood, or Timber, (except cross-cutting of Timber, not exceeding Two Hours in any one Day and Place,) or bore any Timber, or make or repair any Coach, Chaise, Waggon, Sledge, or other Carriage, (except such as may want immediate Repair from any sudden Accident on the Spot, such immediate Repair to be done and completed with all convenient Speed); or if any Person or Persons shall hang out or place, or cause to be hung out or placed, any Linen or Woollen Cloth, or any Article of Wearing Apparel, or other Article, Matter, or Thing, either for Sale or for any other Purpose, at the Outside of any House or Shop, or of any Door, Window, Balcony, or other Place within any Street, Road, Lane, Highway, Entry, Passage, or Place within the said City, Suburbs, or Liberty, or shall fix, or tie up any Line, Rope, or Cord for any of such last-mentioned Purposes, or draw out to project over the Footway any Awnings or Blinds to any Shop or Building therein, so as to impede Passengers; or if any Person or Persons shall, in, upon, or within any such Street, Road, Lane, Highway, Entry, Passage, or Place, shoe, bleed, farry or kill any Horse or other Beast or Cattle (except in case of Accident), or clean, dress, or exercise any Horse, or clean any Carriage; or if any Person shall within any such Street, Road, Lane, Highway, Entry, Passage, or Place, exhibit or expose any Stallion, or turn loose any Horse, Mule, Ass, Pig, or other Beast, or expose

For prevent-
ing Nuisances
in the Streets.

expose for Sale (except upon the usual Market Days, and in the Place or Places appointed by the Justices for the said Districts, and also except at Public Fairs,) any Horse or other Beast or Cattle; or shall wilfully break, or aid, abet, or assist in wilfully breaking any Window in or belonging to any Dwelling House or other Building; or shall kill or slaughter, or shall scald, singe, dress, or cut up any Animal, either wholly or in part, or shall cause or permit any Blood or noisome Fluid to run or flow from any Slaughter-house, Butcher's Shop, Shambles, or other Place into the said Streets, Roads, Lanes, Highways, Entries, Passages, or Places, or any of them, save and except in such Streets and Ways where there are no public Drains, or shall at any Time throw out of any Door, Window, or other Place, upon any of the said Streets, Roads, Lanes, Highways, Entries, Passages, or Places, any Filth or other noisome or offensive Matter or Thing, or any Water, except for the Purpose of cleansing such Streets, Roads, Lanes, Highways, Entries, Passages, or Places, in pursuance of the Directions of this Act; or shall stop up or impede the Course or Passage of any Common Sewer, Drain, Ditch, or Water-course, or shall carry, empty, convey, or discharge therein any Filth, Rubbish, or offensive or noisome Matter or Thing; or if any Person or Persons shall permit or suffer any Mastiff or Bull Dog, or any other dangerous Animal, to go at large without being safely or securely muzzled, or shall suffer or permit any Dog whatever to go at large within any of the said Streets, Roads, Lanes, Highways, Entries, Passages, or Places, after any public Notice given by the Public Crier or Bellman, by Order of any Two Justices of the said City or Liberty, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of Hydrophobia or Canine Madness; or if the Driver of any Cart, Waggon, or other Carriage shall, in any of the said Streets, Roads, Lanes, Highways, Entries, Passages, or Places, ride on the Shafts, or in or upon any Part of such Waggon, Cart, or other Carriage, or upon any Horse or Cattle drawing the same, without holding the Reins for the Guidance thereof in his or her Hands, or shall not keep his Left Side of the Street, Road, or Way, or shall not himself or herself readily and promptly turn out of the Road or Way on meeting any Horses, Coaches, Waggon, Carts, or other Carriages, so as to leave proper and sufficient Quarter for such Horses and Carriages, or being the Hindermost of Two or more Coaches, Waggon, Carts, or other Carriages travelling in the same Course or Direction, shall attempt to pass the foremost Coach, Waggon, Cart, or other Carriage, so as to impede or obstruct the Passage of any Coach or other such Carriage, or any Horse or Horses coming from the opposite Direction, and being on their proper or Left Side of the Street, Road, or Way, or by any other Means needlessly obstruct the Passage so as not to leave proper and sufficient Room for other Horses and Carriages; or if any Person riding any Horse or Beast, or driving any Sort of Carriage whatsoever, shall ride or drive the same furiously, so as to endanger or excite a reasonable Apprehension of Danger to the Life or Limb of any other Person; or if any Person or Persons shall attach or suffer to be attached any Cart or Carriage without a Horse or Horses thereto, behind or at the Side of any other Carriage or Vehicle, except Wheel Carriages attached to Stage Waggon; or if any Person or Persons shall drag or cause to be dragged any Timber, Stone, or other heavy Substance along any of the said Streets or Ways, otherwise than on Wheels or Wheel Carriages, or shall suffer any Timber, Stone, or other heavy Substance,
which

which shall be carried principally or in part on Wheels or Wheel Carriages, to drag or trail upon the Street, Pavement, or Way, to the Prejudice thereof; or if any Person or Persons shall in any Manner wilfully hinder, obstruct, or prevent the free Passage of any of the said Streets, Roads, Lanes, Highways, Entries, Passages, or Places, by placing therein any Timber, Wood, Stone, or other Matter or Thing, or any unloaded Carriage of any Sort or Kind soever, or by tying up any Horse or Animal at the Side or Sides of the said Streets, Roads, Lanes, Highways, Entries, Passages or Places, or by any other Means whatsoever, or shall assist in so doing; or if any Hawker, Higler, Gipsej, or other Person or Persons travelling with any Machine, Vehicle, Cart, or other Carriage, with or without any Horse, Mule, or Ass, shall pitch any Tent, Booth, Stall, or Stand, or encamp upon or by the Sides of any Road or Way in the said City, Suburbs, or Liberty; or if any Person shall fire any Blunderbuss, Musket, Gun, Pistol, or other Fire-arms (except in case of Necessity), or shall make or cause to be made, or assist in the making of any Bonfire or Fire upon or near any Road or Way, or throw any Cracker, Squib, Rocket, Fire-ball, or other Firework within Eighty Feet of any Street, Road, or Way, or play at Football or any other Game, to the Annoyance of any Inhabitant or Passenger, in or upon any of such Streets, Roads, Lanes, Highways, Entries, Passages, or Places; or shall sell or assist in selling by Auction, Outcry, or Blast of Horn, any Cattle, Goods, Chattels, Wares, Merchandize, or other Matters or Things whatsoever therein; or shall slide upon any Pavement, Flagging, or Footway, or shall wilfully obstruct, hinder or prevent the free Passage thereon, or shall annoy any Person or Persons travelling or passing thereon; or shall throw, cast, lay, or sift thereon any Ashes (except in the Time of Frost only, and to prevent Accidents), or any Fruit, Herbs, Refuse of Fruit or Garden Stuff, Fish, Offal; or Filth, or slake any Lime, or sift or screen the same; or shall in any of the said Streets, Roads, Lanes, Highways, Entries, Passages, or Places, bait or cause to be baited any Bull, Bear, or other Animal, or throw at any Cock or other Fowl, or shall set up any Cock or other Fowl to be thrown at, or shall throw or cast any Animal or Carcase, or any Offal, Filth, or offensive Matter or Thing, into any public or private Well, Pump, Pool, or Reservoir for Water within the said City, Suburbs, or Liberty; or if any Person or Persons whomsoever, driving or having the Care or Management of any Waggon, Cart, Caravan, Stage Coach, Chaise, Gig, or any other Carriage or Vehicle of any Sort or Kind whatsoever, shall suffer the same to remain or continue standing in any of the said Streets, Roads, Lanes, Highways, Entries, Passages, or Places, longer than shall be actually necessary for the loading or unloading of such Carriage or Vehicle; or if any Person or Persons driving or having the Care or Management of any such Carriage or Vehicle shall, during the Time the same shall be in Motion, withdraw, or place himself, herself, or themselves, or otherwise stand or be in such a Situation as not to have the absolute Controul, Power, and Management of the Horse or Horses, or other Animal or Animals drawing any such Carriage or Vehicle; or if any Person or Persons shall indecently expose his or their Person or Persons in any of the said Streets, Roads, Lanes, Highways, Entries, Passages, or Places; or if any Blacksmith, Whitesmith, Coachsmith, Nailmaker, Chainmaker, Cutler, or other Person using or working at a Forge, and having a Door or Window fronting the Street or Road, shall not, by good and close Doors and Shutters, every Evening after it becomes

[Local.]

Twilight, bar and prevent the Light from such Shop shining into or upon the said Street or Road, or if any Blacksmith shall omit or neglect to rail or guard in front his Shoeing Shed; or if any Person shall wilfully fire, or set on fire, any Chimney in the said City, Suburbs, or Liberty; or in case any Person or Persons shall commit any Obstruction or Annoyance whatsoever in or upon any such Street, Road, Lane, Entry, Passage, or Place within the Limits of the said City, Suburbs, or Liberty, every Person offending in any or either of the Cases aforesaid shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings; and it shall be lawful for the said respective Commissioners, or any Officer appointed by virtue of this Act, or for any Constable or Peace Officer, to take away and remove any of the before-mentioned Obstructions, in case the Party occasioning the same shall not forthwith remove the same within a reasonable Time after being required so to do by any Person or Persons whomsoever: Provided always, that any Person or Persons wilfully breaking any Glass or Window Panes or Windows, or aiding and assisting therein, shall also forfeit and pay Double the Amount of the Damage done, to be recovered in the same Manner as the Penalties under this Act.

For the Removal of Slaughter Houses and other Nuisances.

XCVI. And be it further enacted, That if any Slaughter House, Boiling House for Offal, Hogstye, Swinecote, Necessary House, Dunghill, or Midden, in or near any of the said Streets, Lanes, Highways, Passages, or Places within the said City of *York* and Suburbs thereof, or Liberty of *Saint Peter*, shall be offensive to any of the Inhabitants within the Limits aforesaid, or any other Person or Persons, the same shall and may be deemed a Nuisance by the said respective Commissioners, and an Offence against this Act; and it shall be lawful for the said respective Commissioners, upon Complaint thereof to them made, by an Order in Writing under the Hands of Five or more of them, or under the Hand of their Clerk or Clerks, to direct any such Nuisance to be removed; and in case the same shall not be removed within Fourteen Days after Notice of such Order shall have been given to or left at the last or usual Place of Abode of the Person or Persons who ought to remove the same, such Person or Persons shall forfeit and pay any Sum not exceeding Ten Shillings for every Day that the same shall continue unremoved after the Expiration of the said Fourteen Days: Provided nevertheless, that where any Person or Persons thinking himself, herself, or themselves aggrieved by such Order as aforesaid, shall give Notice to the said Commissioners, or their Clerk, of his, her, or their Intention to appeal against the said Order, and shall enter into Recognizance within the Time and in Manner herein-after mentioned and provided in respect of Appeals against any Matter or Thing to be done in pursuance of this Act, such Person or Persons shall not be subject to or liable to pay any such Penalty or Forfeiture as aforesaid, until the Expiration of Fourteen Days next after the Hearing and Determination of such Appeal; and the Confirmation thereupon of the said original Order of the said Commissioners.

Surveyors of Nuisances to be appointed.

XCVII. And be it further enacted, That the said respective Commissioners shall and may at their Discretion appoint Surveyors, who shall inspect and from Time to Time report to the said Commissioners all Nuisances and Offences against the Provisions of this Act committed;

and that every Surveyor so to be appointed shall, in case of any Neglect of Duty in the Premises, forfeit and pay any Sum of Money not exceeding Five Pounds.

XCV. And be it further enacted, That all Persons who have already taken down or partly taken down, or who shall at any Time or Times hereafter take down, or begin to take down, any House or other Building whatsoever within the said City, Suburbs, or Liberty, or cause the same to be so done, or who shall alter or repair, or begin to alter or repair the outward or external Part or Parts of any such House or other Building, shall cause One or more proper and sufficient Hoard or Fence, or Hoards or Fences, in case the said respective Commissioners or their Clerk or Surveyor shall require it, to be erected or set up to guard all such Houses or other Buildings, and the Grounds whereon such Houses or other Buildings stood respectively, from the Street, Lane, or other public Place or Passage near thereto, before such Houses or Buildings shall be begun to be altered, repaired, or taken down, and shall continue such Hoard or Fence, Hoards or Fences standing and in good Condition during the Time such Buildings, Alterations, or Repairs shall be going on; and if any such Person or Persons shall refuse or neglect to erect and set up any such Hoard or Fence, Hoards or Fences as aforesaid, or shall not continue the same standing and in good Condition as aforesaid, then and in every such Case every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and in case of such Refusal or Neglect, it shall be lawful for the said respective Commissioners, or for their Clerk or Surveyor, by their Order, to cause such House or Houses, Building or Buildings, Ground or Grounds, to be well and sufficiently fenced in, or the Hoard or Fence set up to be well and sufficiently repaired, and such Fence or Fences to be continued as aforesaid, as the Case shall require, and the Person or Persons so neglecting or refusing shall, over and above the aforesaid Penalty, pay all such Charges and Expences of such fencing or repairing, upon Demand made by the said Commissioners or by their Clerk, to be recovered in the same Manner as any Penalty may by this Act be recovered.

Hoards or Fences to be made round Houses or Buildings under Repair, or erecting.

XCVI. Provided nevertheless, and be it further enacted, That no Person shall be subject to any Penalty under this Act for or on account of any Materials for building, Rubbish or Dirt, being in or upon any of the said Streets, Roads, Lanes, Highways, Entries, Passages, or Places, before or near the Dwelling House or other Building of such Person, occasioned by the building or pulling down, rebuilding or repairing such Dwelling House or Building, so as there be convenient Room left for Carriages conveniently to pass and repass, and also a sufficient Way kept clean for Foot Passengers, and so as the Owner or Occupier of such Dwelling House and other Building do cause such Materials, Rubbish, and Dirt to be removed out of the said Streets, Roads, Lanes, Highways, Passages and Places, as soon as may be after such Dwelling House or other Building shall be finished, or forthwith thereafter upon Notice from the said respective Commissioners, or their Surveyor, requiring such Materials, Rubbish, or Dirt to be removed; and so as, during the Time the same shall be lying in such Street, Road, Lane, Highway, Passage, or Place as aforesaid, such Owner or Occupier shall securely guard and fence off such Materials, Rubbish, or Dirt, either by a temporary

Materials may be laid in Streets for Repair of Houses, &c. under Restrictions.

temporary Railing or otherwise, and also set up and maintain a sufficient Light or Lights during the Night-time, to the Satisfaction of the said Commissioners, in order to prevent Accidents and Mischief happening therefrom: Provided also, that in case any Person so placing such Materials, Rubbish, or Dirt in any of the said Streets, Roads, Lanes, Highways, Passages or Places as aforesaid, shall not effectually guard and fence off the same, and also set up and maintain a sufficient Light during the Night-time so as to prevent Accidents or Mischief happening therefrom, or shall make Default in any or either of the said Cases, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, to be recovered in the same Manner as any other Penalty imposed by this Act is hereby directed to be recovered.

Power to get
Water in case
of Fire.

XCVII. Provided always, and be it further enacted, That in case of any Fire happening within the said City, Suburbs, or Liberty, it shall be lawful for any of the Inhabitants thereof, or other Persons whomsoever, to take, use, and employ the Water which shall be contained in any Pipes, Aqueducts, or Reservoirs already laid and made, or to be hereafter laid or made within the said City, Suburbs, or Liberty, in or for the extinguishing any such Fire, without any Compensation or Satisfaction to be made to the Proprietors of such Pipes, Aqueducts, or Reservoirs, and without being subject to any Penalty on account thereof, such Inhabitants or other Persons not wilfully wasting the said Water, and doing as little Damage as may be to such Pipes, Aqueducts, or Reservoirs; and for the more easy obtaining Water on such Occasions, it shall be lawful for the said respective Commissioners to make such Communications with any of the said Pipes as they shall think proper.

Justices of
the Peace
to license
and regulate
Coaches,
Chairs, &c.

XCVIII. And be it further enacted, That it shall and may be lawful for the Justices of the Peace for the said City, Suburbs, and Liberty respectively, and they are hereby required, in any General or Quarter Sessions of the Peace, or any Adjournment thereof, to license and authorize all such Hackney Coaches, Chaises, Cars, and Gigs, and Sedan Chairs, and such other Carriages and Vehicles, as shall be kept or used by any Person or Persons for Hire in the said City, Suburbs, and Liberty; and they are hereby authorized and empowered to make, constitute, ordain, and provide from Time to Time such Bye Laws, Rules, Orders, and Regulations for licensing the said Hackney Coaches, Chaises, Cars, Gigs, and Sedan Chairs, Carriages and Vehicles, and for the Management and Ordering of the Owners, Coachmen, Drivers, Chairmen, Carriers, and Conveyers thereof, as they shall think expedient; and shall by such Bye Laws, Rules, Orders and Regulations, order and direct how and in what Manner such Owners, Coachmen, Drivers, Chairmen, Carriers, and Conveyers shall conduct and demean themselves in their several Employments, and also how and in what Manner and Order such Hackney Coaches, Chaises, Cars, Gigs, Carriages, Vehicles, Sedan Chairs, and other Conveyances and Accommodations shall be furnished, provided, kept, numbered and distinguished, and what Number of Persons may be carried and conveyed in each of such Hackney Coaches, Chaises, Cars, Gigs, Carriages, Vehicles, Sedan Chairs, and other Conveyances and Accommodations respectively, and what Number of Horses, Ponies, and Cattle shall draw the same, and for fining and punishing such Owners, Coachmen, Drivers, Chairmen, Carriers, and Conveyers for Misconduct,

Ill-behaviour, and for the Breach, Non-observance, or Non-performance of any of such Bye Laws, Rules, Orders or Regulations, and also for ascertaining, fixing, and determining the Distances within which they shall respectively travel, drive, go, or come, or be obliged or compelled to travel, drive, go, or come, and the Rates, Fares, and Prices, as well for Time as Distance, which shall be allowed to be demanded, received, or taken by such Owners, Coachmen, Drivers, Chairmen, and Carriers; and also, that it shall and may be lawful for the said Justices of the Peace from Time to Time, and they are hereby authorized and empowered to make and constitute such other Bye Laws, Rules, Orders, and Regulations (not being repugnant to any Law or Statute of that Part of the United Kingdom called *Great Britain*) as to them shall seem necessary, fit, or expedient for establishing, regulating, managing and ordering the said Hackney Coaches, Chaises, Cars, Gigs, Carriages, Vehicles, Sedan Chairs and other Conveyances, and the Owners, Coachmen, Drivers, Chairmen, Carriers, and Conveyers thereof; and it shall be lawful for the said Justices of the Peace from Time to Time, as they may think fit or expedient, to repeal, alter, vary, and amend any such Bye Laws, Rules, Orders and Regulations, and to make and substitute others in their Stead, and to make, fix, and determine what Penalties or Forfeitures shall be incurred and paid for breaking, evading, avoiding, refusing, or neglecting to perform the same, so that no such Penalty or Forfeiture shall exceed the Sum of Five Pounds for each Offence; provided that all such Bye Laws, Rules, Orders and Regulations, and the repealing, altering, varying, and amending the same, and substituting others in their Stead, shall from Time to Time be made, declared, and done at some General or Quarter Sessions of the Peace, or Adjournment thereof, within their respective Districts.

XCIX. And be it further enacted, That every Licence to be granted for the keeping of any Hackney Coaches, Sedan Chairs, or other Carriages or Vehicles under this Act, shall be granted by the Justices of the Peace for the said City, Suburbs, and Liberty, at any General or Quarter Sessions of the Peace, or Adjournment thereof, in their respective Districts, and the same shall be written or printed, and signed by any Two or more of the said Justices; and every Licence not so granted shall be void; and every such Licence shall express or contain the Number or other distinguishing Mark of such Coach, Chaise, Car, Gig, Carriage, Vehicle, Sedan Chair, and other Conveyances and Accommodations, and shall continue in force for One Year, or for such less Time as shall be expressed therein; and no such Licence shall include more than One such Coach, Chaise, Car, Gig, Carriage, Vehicle, Sedan Chair, or other Conveyances; and the same shall be made out by the respective Clerks of the said Justices, and shall be duly entered in Books to be provided for that Purpose; and there shall be paid to such Clerks respectively, for every Licence granted to such Owner, Coachman, Driver, Chairman, Carrier, or Conveyer, the Sum of One Shilling.

Manner of
granting
Licences.

C. And be it further enacted, That if any Owner, Coachman, Driver, Chairman, Carrier, or Conveyer of any Hackney Coach, Chaise, Car, Gig, Carriage, Vehicle, Sedan Chair, or other Conveyance as aforesaid, or the Person or Persons attendant thereon, or plying with the same, shall be found standing or plying for Hire with, or using any Coach, Car, Gig,

Penalties for
Hackney
Coaches, &c.
plying with-
out Licence.

[*Local.*]

38 K

Carriage,

Carriage, Vehicle, Sedan Chair, or other Conveyance for Hire in any Part of the said City, Suburbs, or Liberty, which shall not have been licensed by the said Justices for that Purpose; or if any such Owner, Coachman, Driver, Chairman, Carrier, Conveyer, Person or Persons plying with, driving, or carrying any Hackney Coach, Sedan Chair, or other Carriage which shall have been duly licensed, shall demand more than his due Fare, or use improper Language, or otherwise misbehave or transgress, or do any other Matter or Thing contrary to and against any of the Bye Laws, Rules, Orders, and Regulations relating to or concerning the same, to be from Time to Time made as aforesaid, the Owner or Owners, or the Coachman, Driver, Chairman, Carrier, or Conveyer of any such Coach, Chaise, Car, Gig, Carriage, Vehicle, Sedan Chair, or other Conveyance, or the Person or Persons plying therewith or attendant thereon, and every such other Person so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Owners of Coaches, &c. to be liable for Damage done by their Drivers.

CI. And be it further enacted, That every Owner or Owners of any such licensed Coach, Chaise, Car, Gig, Carriage, Vehicle, Sedan Chair, or other Conveyance, shall be answerable for the Misconduct of all Persons employed in driving or carrying the same; and any Fine or Penalty may be imposed or levied on such Owner or Owners, on account of the Misconduct of such Driver or Carrier, which might or could or shall have been imposed on such Driver or Carrier.

Porters and Labourers to be regulated.

CII. And be it further enacted, That it shall and may be lawful for the Justices of the Peace for the said City and Suburbs and Liberty respectively, at any General or Petty Sessions in their respective Districts, and they are hereby authorized and empowered to make, constitute, ordain, and provide from Time to Time, and also from Time to Time to repeal, alter, vary, and amend, and add to all such Bye Laws, Rules, Orders and Regulations for the Management and Ordering of all and every the Porters and Labourers plying for Hire within the said City, Suburbs, and Liberty, as they shall think expedient, both for ordering and directing how and in what Manner such Porters and Labourers shall conduct and demean themselves in their several Employments, and for fining and punishing them for Misconduct or Ill-behaviour, and for the Breach of any of such Bye Laws, Rules, Orders, or Regulations, and also for ascertaining and determining the Rates, Fares, and Prices, as well for Time as Distance, which shall be allowed to be demanded, received, or taken by such Porters and Labourers, and to make, fix, and determine what Penalties or Forfeitures shall be incurred and paid for breaking, evading, avoiding, refusing, or neglecting to perform the same Orders and Bye Laws, so that no such Penalty or Forfeiture shall exceed the Sum of Forty Shillings for every Offence.

Provision for Recovery of Coach Fares, &c. and Compensation for Injuries done.

CIII. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay on Demand to any Owner or Owners of any such Hackney Coach, Chaise, Car, Gig, Carriage, Vehicle, Sedan Chair, or such other Conveyance, or to the Coachman, Driver, Carrier, or Conveyer thereof, or to the Person or Persons plying therewith or attending thereon, or to any Porter or Labourer, the Fare, Hire, Reward, or the Sum or Sums of Money due and payable to them respectively for the Use and Services of the same, according to the Terms or Rules of any such

Licence so to be granted as aforesaid, or by any Bye Law, Rule, Order, or Regulation to be made in that Behalf as aforesaid; or if any Person or Persons shall do or commit any Damage, Injury, or Spoil unto or upon any such Hackney Coach, Chaise, Car, Gig, Carriage, Vehicle, Sedan Chair, or such other Conveyances as aforesaid, or any Part or Parts thereof, or the Harness, Gearing, or other Matters or Things belonging to the same, and shall not, on Demand thereof, tender or pay the Amount of such Damage, Injury, or Spoil; it shall be lawful for any Justice or Justices of the Peace for the said City, Suburbs, or Liberty, within their respective Jurisdictions, upon Complaint thereof made to him or them, to grant his or their Summons against the Person or Persons complained of, to appear before him or them at some Time and Place to be mentioned in such Summons, to answer the Matter of the said Complaint, and on the Appearance of the Person or Persons so summoned, or in his or her Absence upon due Proof of the Service thereof, such Justice or Justices shall proceed to hear the Matter of the said Complaint, and to order Payment of the Fare, Hire, Reward, and Sum or Sums of Money to be made by the Person or Persons complained of, as to such Justice or Justices shall appear to be justly due, and also such Sum or Sums of Money as shall appear to the said Justice or Justices to be a reasonable Recompence for such Damage, Injury, or Spoil, or otherwise to dismiss the said Complaint, and also may award such Costs to be paid by either of the said Parties to the other, as the said Justice or Justices shall think just and reasonable; and if the Person or Persons against whom such Order or Award shall be so made shall not pay down or cause to be paid down such Fare, Hire, Reward, Sum or Sums of Money, and Costs so to be ordered and awarded as aforesaid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and empowered to grant his and their Warrant or Warrants of Distress against the Goods and Chattels of the Person or Persons so refusing, declining, or neglecting to pay the same, and the same to sell and dispose of, and out of the Monies arising by or from such Sale to pay the Money or Monies ordered or awarded to be paid as aforesaid, together with such Costs and Charges as the said Justice or Justices shall think reasonable, returning the Overplus (if any) upon Demand, to the Owner of the said Goods so distrained; and it shall be lawful for the said Justice or Justices (if it shall appear to him or them expedient) to detain in Custody the Person or Persons against whom such Order or Award shall be made as aforesaid, and refusing, declaring, or neglecting to pay such Money or Monies as aforesaid, until a Return can be made to the said Warrant or Warrants of Distress, not exceeding Twenty-four Hours; and if no sufficient Distress can be found, then to commit the Person or Persons against whom such Order or Award shall be made to the Prison of the District, for any Time not exceeding Three Calendar Months, there to remain without Bail or Mainprize, unless the Money be sooner paid.

§CIV. And be it further enacted, That the said respective Commissioners shall and they are hereby required, at Meetings to be convened for that Purpose, to elect and appoint One or more fit and proper Person or Persons to be an Inspector or Inspectors of all the Coals which shall be brought by Water to and delivered for Sale in the said City, Suburbs, or Liberty, and which Person or Persons shall and may be removed, suspended, or displaced by and at the Will and Pleasure of the said respective

For prevent-
ing Frauds,
&c. in the
Quality,
Measure, and
Delivery of
Coals.

respective Commissioners, or of any Five or more of them, or in case of Misconduct, by and at the Will and Pleasure of any Two Justices of the Peace having Jurisdiction as aforesaid; and in case of the Removal, Death, or Resignation of such Inspector or Inspectors, the said respective Commissioners shall, within One Calendar Month after such Vacancy shall take place, elect and choose some other fit and proper Person or Persons in his or their Stead, and so *toties quoties* as often as the like Event shall happen; and the said respective Commissioners shall provide a proper and suitable Place for the Office of such Inspector or Inspectors, and fix and appoint his or their Salary or Wages at their Discretion, the Expence and Charge whereof shall be paid and borne or defrayed by and out of the Rates and Assessments directed to be raised and levied by and for the general Purposes of this Act.

Owners and Masters to deliver the original Tickets to the Inspector, or otherwise certify the Quality.

CV. And be it further enacted, That from and after the First Day of *September* next, the Owner or Owners of every Cargo of waterborne Coals which shall be brought for Sale in the said City, Suburbs, or Liberty, or the Masters of the respective Vessels in which the same shall be brought, shall, before the Bulk be broken, or the same or any Part thereof shall be delivered, bring and deliver to the said Inspector or Inspectors the original Bills or Tickets, Bill or Ticket of Lading given and delivered along with the said Coals at the Time when the same were loaded by the Clerk or Agent of the Collieries, Pits, or Places from which the same were taken or won, denoting the Quantity and Quality thereof; and in case it shall happen that such Bills or Tickets, Bill or Ticket, shall not sufficiently denote or specify the Quantity or Quality of the said Coals, or there shall not be any such Bills or Tickets, Bill or Ticket, given and delivered with the said Coals at the Collieries, Pits, or Places from which the same were taken or won, or if the original Bills or Tickets, Bill or Ticket, shall at any Time be accidentally lost, or the Ship or Vessel whereon such Coals shall be loaded shall have been originally loaded for Sale or Delivery at any other Place or Places, or in any other Manner than as aforesaid, and shall afterwards change the Destination without any such Bills or Tickets, or Bill or Ticket, having been obtained and provided, or in case the said Inspector or Inspectors shall see good and sufficient Cause for the same, then and in all or any of such last-mentioned Cases the Owner or Master of each Ship or Vessel shall deliver or cause to be delivered to the said Inspector or Inspectors an Account of the Quality and Quantity of such Coals, when the same were loaded, at what Place or Places, from what Collieries, Pits, or Places the same were taken or won, and by what Mode the same were brought, and shall verify the same by Oath or Affirmation, to be sworn or made by such Owner or Master before any Justice of the Peace of the said City, Suburbs, or Liberty, and which Oath or Affirmation such Justice of the Peace is hereby empowered and required to administer or receive; and in case either of the Non-delivery or of the accidental Loss of any such original Bills or Tickets, Bill or Ticket, or of the said Ship or Vessel having been originally loaded for Sale and Delivery otherwise than as aforesaid, without any such Bills or Tickets, Bill or Ticket, being obtained or provided, the said Master or Owner shall state the Circumstances thereof in and by the said Oath or Affirmation, and the said Inspector or Inspectors shall receive and register, keep and file such Bills or Tickets, Bill or Ticket, Account or Accounts, together with the Affidavit or Affirmation accompanying the same,

same, and shall view the Coals so brought for Sale, and on being satisfied that such Coals correspond with the Bill of Lading, or Affidavit or Affirmation, as the Case may be, shall make out and give to such Owner or Owners, Master or Masters, a Certificate expressing such Satisfaction (in such Form and Words as the said Commissioners shall from Time to Time think proper and direct), and shall register the same in a Book to be kept for that Purpose, which Certificate shall be signed by the said Inspector or Inspectors; and such Inspector or Inspectors shall thereupon cause a Board, on which the Name of the Coals is written or painted in large Letters, to be affixed and continue upon some conspicuous Part of the Ship or Vessel wherein the same shall be loaded, until the said Cargo shall be sold and delivered; and in case the same shall be delivered into any Yard or Place for Sale, then a Board, whereon in like Manner the Name of the Coals is written or painted, shall be placed in the Front of the Heap, or in such other Place and in such Manner as the said Inspector or Inspectors shall from Time to Time order and direct; and if any such Owner or Master, or any Dealer in Coals or other Person, as the Case may be, shall sell and deliver, or expose to Sale, or cause to be landed in the said City, Suburbs, or Liberty, any Coals for Sale without such Certificate, or shall neglect or refuse, for the Space of Three Days after the Arrival of the Ship or Vessel wherein the same shall be loaded, to bring and deliver to the said Inspector or Inspectors the original Bills or Tickets, Bill or Ticket, given along with such Coals by the Clerk or Agent of the Collieries, Pits, or Places from whence the same were taken or won, or to make and give such Account or Accounts, Affidavit or Affirmation relating thereto as are herein-before required to be made and given, or shall make and forge and give or deliver, or cause to be made and forged and given or delivered, a false, feigned, or forged Bill or Ticket, or shall alter, deface, erase, or mutilate any original Bill or Ticket, or shall deface or alter, or permit or suffer to be defaced or altered, the Board or Boards so to be placed by such Inspector or Inspectors as aforesaid, or shall remove the same, or permit or suffer them to be removed before the whole of the Quantity of Coals therein referred to shall be sold and disposed of, or shall knowingly or wilfully make and deliver a false or inaccurate Account of the Quantity or Quality of such Coals, or bring to sell or dispose of within the said City, Suburbs, or Liberty, Coals of one Quality or Sort for and as a Quality or Sort which the same really are not, or in case any other Person or Persons shall remove, alter, or deface any of such Boards before the Coals to which the same relate shall be sold and delivered, every such Offender shall, upon Conviction thereof before any Two Justices of the Peace of the said City or Liberty, forfeit and pay for each and every such Offence any Sum not exceeding Ten Pounds; and if any such Master or Owner shall wilfully and corruptly make a false Oath or Affirmation of all or any of the Matters and Things whereunto he shall be required to make the same as aforesaid, he shall, upon Conviction thereof at any Assizes or Quarter Sessions of the Peace for the said City, Suburbs, or Liberty, be adjudged and suffer the Pains and Penalties imposed by Law for wilful and corrupt Perjury.

Inspector to give Certificate to the Owner or Master.

A Board to be affixed on the Vessel or Place where the Coals shall be sold.

Penalty for Non-observance.

CVI. And be it further enacted, That it shall be lawful for any Person or Persons whomsoever, at any Time or Times, at their own Will and Pleasure, without any previous Notice or Declaration of their Intention so to do, to call for, inspect, and examine the Register of such Certificates,

Any Person may inspect Registers.

to be kept by such Inspector or Inspectors, without paying any Fee or Reward for the same.

Penalties on
Inspector for
Neglect or
Fraud.

CVII. And be it further enacted, That if any Person who shall be appointed to act as Inspector under or by virtue of this Act, shall refuse or neglect to receive and register the Bills or Tickets, Bill or Ticket, Account or Accounts, Affidavit or Affidavits, Affirmation or Affirmations, to be made and given to him of or concerning any Coals as aforesaid, or shall not truly and faithfully register the same, and make and deliver such Certificate or Certificates thereof in the Form and Manner required by the said respective Commissioners, or shall not make and keep such Register, Books, Accounts, Papers, Registers, Vouchers, Notes, and Entries as are by this Act or shall from Time to Time be thought fit, and required by the said respective Commissioners to be made and kept, or shall not produce the same when required thereunto as herein mentioned, or permit such Register to be inspected as aforesaid, or shall destroy, alter, deface, or mutilate the same, or any of them, or shall in any Manner act in Collusion with any Person or Persons whomsoever, to assist or enable him, her, or them to counteract, defeat, or evade the Provisions of this Act, every such Offender shall upon Conviction thereof before any Two Justices of the Peace for the District, forfeit and pay for every such Offence not exceeding the Sum of Twenty Pounds.

Regulations
as to the
weighing and
measuring of
Coals.

CVIII. And be it further enacted, That all waterborne Coals which shall from and after the First Day of *September* next be sold and disposed of within the said City, Suburbs, or Liberty, shall be sold either by Measure or Weight, at the Option of the Purchaser; and that for the Purpose of weighing or measuring the same, a sufficient Number of proper Persons shall be appointed to be Weighers and Measurers of Coals in the said City and Suburbs, which Appointments shall from Time to Time be made by the Lord Mayor, Aldermen, and Sheriffs of the said City, and by the Persons who shall have served the Office of Sheriff of the said City, usually called the Twenty-four, and by their Successors for the Time being respectively; and when and as often as any such Persons so appointed to be Weighers and Measurers shall die, or decline to act, or become incapable of acting, or shall be removed as herein-after mentioned, the said Lord Mayor, Aldermen, Sheriffs, and Twenty-four, shall appoint other Persons to be Weighers and Measurers, in the Place of the Persons so dying, declining to act, or becoming incapable of acting, or being removed as aforesaid, which said Coal Weighers and Measurers so to be appointed shall be removed by the said Commissioners or by the said Justices of the Peace, or any Two of them, within their respective Districts, upon Complaint of Misconduct or Misbehaviour; and the Rates for Carriage, Portage, meting or weighing Coals within the said City, Suburbs, and Liberty, to be paid by the Seller or Purchaser, as may be agreed, shall from Time to Time be fixed and directed by the Justices of the Peace for the said City, Suburbs, and Liberty, within their respective Districts, at their respective General or Quarter Sessions, or any Adjournment thereof; and in case any Weigher or Measurer shall misconduct himself as to the weighing or measuring of Coals, or any Porter shall make any Overcharge for, or misconduct himself as to the Portage thereof, such Weigher, Measurer, or Porter shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

CIX. And be it further enacted, That in case any Person shall think himself aggrieved respecting the Weight or Measure of Coals by him purchased, such Person may apply to an Inspector to weigh or measure the same, who shall thereupon cause the same to be weighed or measured, as the Case may be; and the Charge of such Inspector for so weighing or measuring such Coals shall be paid by the Seller thereof in case the Weight or Measure complained of shall be incorrect, and by the Purchaser thereof in case such Weight or Measure shall be correct.

Persons buying may have Coals weighed or measured.

CX. And be it further enacted, That where Coals are sold from any private Coal Yard, the Owner or Owners of such Coals shall fix in each Heap of Coals therein a Board or Boards descriptive of the Qualities or Names of the Coals therein; and every such Owner neglecting so to do, shall forfeit and pay any Sum not exceeding Five Pounds for each such Offence.

Descriptive Boards to be put on Heaps of Coal in Yards.

CXI. And be it further enacted, That the said respective Commissioners shall be and they are hereby authorized and empowered from Time to Time to make such Orders and Regulations respecting the weighing and measuring of Coals, and the Conduct of the Inspectors, Weighers, and Measurers, to be appointed under this Act, as they shall think expedient, so as such Orders and Regulations be not inconsistent with the Provisions of this Act, and be approved of and confirmed by the Justices of the Peace for the said City, Suburbs, and Liberty, within their respective Districts, at any General or Quarter Sessions of the Peace, or some Adjournment thereof; and that all Persons who shall give short Weight or Measure on the Sale of Coals, or shall transgress or neglect any of the Orders and Regulations so to be made and confirmed, shall forfeit and pay for each Offence any Sum not exceeding Five Pounds.

Commissioners to make Regulations.

CXII. And be it further enacted, That if any Inspector, Weigher, or Measurer of Coals, to be appointed under the Provisions of this Act, shall himself, either directly or indirectly, sell or deal in or be a Purchaser or Agent for, or otherwise interested or concerned in the Sale of any Coals whatsoever (except in the Discharge of their said respective Offices or Employments), such Inspectors, Weighers, or Measurers of Coals at any Time so offending shall for each such Offence forfeit and pay any Sum not exceeding Fifty Pounds.

Inspectors, &c. not to be Sellers of Coals.

CXIII. And be it further enacted, That if any Person employed to carry and deliver Coals within any Part of the said City, Suburbs, or Liberty shall fraudulently neglect to deliver the same, or wilfully deliver short Weight or Measure, such Person shall forfeit and pay for each such Offence any Sum not exceeding Twenty Shillings.

Penalty on fraudulent Delivery of Coals.

CXIV. And be it further enacted, That the said respective Commissioners shall be and they are hereby authorized to make Rules and Regulations, from Time to Time, for the measuring and delivering of Lime brought to the said City, Suburbs, or Liberty, and sold therein, and at their Discretion to fix such Penalties to the Breach of any Rule or Regulation to be made by them touching the same, as they shall think proper, so that they do not exceed in any Case the Sum of Ten Pounds, and so as such Rules and Regulations be approved of and confirmed by the Justices

Regulating measuring, &c. of Lime.

tices of the Peace for the respective Districts to which they shall extend or apply, at some General or Quarter Sessions of the Peace, or Adjournment thereof.

Regulations
as to the
Staiths.

CXV. And be it further enacted, That for the better Management and Regulations of the Staiths and public Landing Places on the Rivers *Ouse* and *Foss*, within the said City and Suburbs, and the Maintenance of such Staiths or Landing Places, and the Convenience of Persons resorting thereto for the loading and unloading of Goods from Vessels, His Majesty's Justices of the Peace for the said City shall or may and they are hereby empowered to make such Rules, Bye Laws, Orders, and Regulations touching the mooring and unmooring of Vessels, and the fixing of Mooring Posts and Rings, and the placing of Goods previous to the Embarkation, and upon and after the Disembarkation thereof, and the Manner of loading or unloading Vessels at or near the said Staiths or Landing Places as they shall from Time to Time see Occasion; and also to impose any Fines or Forfeitures for the Breach of such Rules, Bye Laws, Orders, and Regulations, not exceeding for any One Offence the Sum of Forty Shillings; and also shall and may from Time to Time alter, revoke, or add to such Rules, Bye Laws, Orders, and Regulations, and make such new Rules, Bye Laws, Orders, and Regulations for the Purposes aforesaid as they shall think expedient.

Regulating
the Breadth
of Wheels.

CXVI. And be it further enacted, That the Wheels of every Waggon, Cart, or other Carriage of the like kind, belonging to any of the Inhabitants of the said City, Suburbs, or Liberty, and used therein for carrying Goods or other Things for Hire, (save and except such Waggon, Carts, or other Carriages as shall or may be employed in carrying Corn or other Grain, Hay, Straw, Fodder, or Lime for the Improvement of Land, or in bringing Coals to the said City, Suburbs, or Liberty, by Railways, or at such Periods as the Justices of the Peace within their respective Jurisdictions may allow the same to be brought in Time of Frost), and the Wheels of every Waggon, Cart, or other such Carriage belonging to any of the Inhabitants of the said City, Suburbs, or Liberty, and used therein for carrying Bricks, Tiles, Stone, Gravel, Dung, Compost, Manure, Ashes, Street Sweepings, or Rubbish, and the Wheels of all Waggon, Carts, or other such Carriages in which Coals shall be carried within the said City, Suburbs, or Liberty, after the End of Six Calendar Months from the passing of this Act, shall be made with Fellies Six Inches broad at the least, and of a flat even Surface in every Part of such Fellies; and the Owner or Owners, Driver or Drivers of Waggon, Carts, or other Carriages not having Wheels with such Fellies as aforesaid, who shall after the End of Six Calendar Months from the passing of this Act use the same within the said City, Suburbs, or Liberty, shall for every Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Markets and
Fairs to be
held as usual.

CXVII. And be it further enacted, That the several public Markets and Fairs which have been usually holden within the said City or Suburbs 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.

CXVIII. And

CXVIII. And for avoiding the Inconveniencies and Obstructions to which the Markets and Fairs within the said City and Suburbs 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 Lord Mayor of the said City for the Time being, as the Clerk of the Markets within the said City, from Time to Time to make and establish such Bye Laws, Rules, Orders, and Regulations as to the said Lord 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 City and Suburbs, 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 City and Suburbs 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 City or Suburbs 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, Tressels, 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 Holding, good Order, and Government of the said several Markets and Fairs to be held within the said City and Suburbs, and of the several Persons resorting thereto, as to the said Lord Mayor for the Time being in his Judgment and Discretion shall seem proper and expedient for the common Benefit of the said City, and the Persons resorting to the Markets and Fairs thereof; and that it shall be lawful for the Lord Mayor of the said City 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; 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 Lord 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

Powers for
regulating
Markets, &c.

[Local.]

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any

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*.

Penalty on obstructing Officers in Markets, &c.

CXIX. And be it further enacted, That if any Person shall assault, hinder, or obstruct any Officer or Person appointed or employed by the Lord Mayor of the said City 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 Lord Mayor of the said City 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, Tressel, Hurdle, Pen, or other Erection, set up or to be set up by the Authority of the Lord Mayor of the said City 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.

But not to interfere with chartered Rights in the Markets.

CXX. Provided nevertheless, and be it further enacted, That nothing herein declared shall in any way abridge or rescind the Rights of the said Mayor and Commonalty, whether by Charter or otherwise, to hold Fairs and Markets in the said City or Suburbs thereof, or in any way to affect or abridge the Rights of the said Mayor and Commonalty to Package, Stallage, Toll, or other Privilege, Advantage, or Authority respecting such Markets; and that any such Orders and Regulations so made, in any way infringing the Rights of the said Mayor and Commonalty, shall be void and of no Effect.

Commissioners may purchase Property for the further Improvement of the City, &c.

CXXI. And be it further enacted, That for the further Improvement of the said City, Suburbs, and Liberty, the said respective Commissioners shall and may, and they are hereby authorized and empowered at any Time or Times hereafter, and from Time to Time, by and with the Consent of Three-fourths of the said respective Commissioners, to contract and agree with any Person or Persons, Body or Bodies Corporate or Collegiate, Aggregate or Sole, Spiritual or Lay, or any Tenant for Life, or Tenant in Fee Tail, General or Special, or other the Owner or Owners, Proprietor or Proprietors of, and any Trustee or Trustees, Husbands, Guardians, Committees, Party, Person or Persons whomsoever, interested in any Manner in any Messuages, Tenements, Shops, Buildings, Erections, Lands, Grounds, or Hereditaments, or any Part or Parts thereof, which the said respective Commissioners shall think necessary or proper

to be purchased for making, providing, forming, widening, altering, extending, or otherwise improving or enlarging, or rendering more commodious or convenient, any Markets, Market Places, Streets, Highways, Lanes, Roads, public Passages, Footways, or Places within the said City of *York* or the Suburbs thereof, or the said Liberty, or for making any Communication to or with the same respectively: Provided nevertheless, that no such Contract or Agreement for Purchase shall be made by the said Commissioners within the said City and Suburbs, without the Consent of the major Part in Number of the Justices of the Peace for the said City, nor within the said Liberty without the Consent of Two or more Justices of the Peace for the said Liberty.

CXXII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, and all Tenants for Life or Years, or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whatsoever, 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, Femmes Covert, and other Persons under any Disability of acting for themselves, who are or shall be seised or interested in their own Right, and for all and every other Person or Persons whomsoever, who now are or shall at any Time or Times hereafter be seised or possessed of, or in any way interested in any Messuages, Houses, Shops, Buildings, Lands, Tenements, or Hereditaments within the said City and Suburbs or Liberty, which the said respective Commissioners shall at any Time or Times hereafter be desirous to purchase for any of the Purposes aforesaid, to contract and agree at any Time or Times, and from Time to Time, with the said Commissioners for the absolute Sale thereof, or 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 respective Commissioners for the Purposes aforesaid; and all Contracts, Bargains, Sales, Conveyances, and other Assurances which shall be made by virtue and in pursuance of the Provisions of this Act, shall, without any Fine, Recovery, or other Assurance in the Law whatsoever, and without Enrolment or Registry, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Persons so conveying, but also to convey all the Right, Estate, and Interest, Trust, Use, Property, Possession, Claim, or 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 considered and deemed to bar, and shall 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, Spiritual or Lay, and all Tenants for Life, Fee Simple, or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands,

Power to
Bodies Po-
litic and
others to
sell.

Husbands, Guardians, Committees and Trustees, Executors and Administrators, and all other Persons whomsoever, are and shall and they are hereby fully indemnified for what they shall respectively do by virtue and in pursuance of this Act.

Conveyances
to be drawn
in the fol-
lowing

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

Form.

I [or We] in consideration of the Sum of
to me [or us] paid by the Commis-
sioners for carrying into Execution an Act of Parliament passed in the
Sixth Year of the Reign of King *George* the Fourth, intituled [*here set
forth the Title of this Act*], in such Parts of the said City and Suburbs
as are not within the Jurisdiction of the Liberty of *Saint Peter*, or in the
said Liberty of *Saint Peter*, as the Case may be, do hereby grant and
convey to the said Commissioners, all [*describe the Premises,*] and all my
[or our] Right, Title, and Interest to and in the same and every Part
thereof, to hold to the said Commissioners for ever. In witness whereof,
I [or we] have hereunto set my Hand and Seal, [or our Hands and
Seals,] this Day of in the Year of
our Lord

And every such Sale, Conveyance, and Assurance, made in Manner or to the Effect 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, Houses, Shops, Buildings, Lands, Tenements, and Hereditaments in the said respective Commissioners, for the Uses and Purposes of this Act; any Law, Statute, Usage, or other Matter or Thing to the contrary thereof notwithstanding.

Application
of Compen-
sation Money
amounting to
200*l*.

CXXIV. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other 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 Court of Exchequer, to be placed to his Account there, *ex parte* the Commissioners for executing this Act, within their respective Districts, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account*

account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased, redeemed, paid, or discharged, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the meantime and until such Order can be made, the said Money may, by Order of the said Court, upon Application 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, or in Government or in Real Securities; and in the meantime, and until the said Bank Annuities, or Government or Real Securities, shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments, so to be purchased, conveyed, and settled.

CXXV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said respective Commissioners or any Three or more of them, 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 said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before

Application of Compensation Money when less than 200*l.* and not less than 20*l.*

[Local.]

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directed;

directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Commissioners for executing this Act within their respective Districts, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without obtaining, or being required to obtain, any Order of the said Court touching the Application thereof.

Application
of Compensation
Money
when less
than 20*l*.

CXXVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit; or, in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of not
making out
Titles, &c.
Money to be
paid into the
Bank.

CXXVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act, shall not be able to make a good Title to the Premises to the Satisfaction of the said respective Commissioners, then and in every such Case it shall be lawful for the said Commissioners 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 said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons
as

as shall pay any Sum or Sums of Money into the Bank of *England* as aforesaid.

CXXVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities or Government or Real Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Persons in Possession presumptively entitled.

CXXIX. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, or to be applied in the Purchase of other 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 to the said Court shall seem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said respective Commissioners out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court may order reasonable Expences of Purchases to be paid by the Commissioners.

CXXX. And be it further enacted, That every Sum of Money to be agreed for as aforesaid shall be paid out of the Rate or Assessment herein authorized to be raised and levied for the Purpose of such Improvements as aforesaid, to the Party or Persons respectively entitled to such Monies, or their Agents; and upon Payment thereof, or in case of Inability to receive and give a Discharge for the same, on placing the same in the Bank of *England* in manner by this Act directed, whether such Conveyance as aforesaid shall or shall not be made, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons respectively (unto or to whose

Provision for Payment of Purchase Money, &c. and for vesting Property in Commissioners.

Credit

Credit or Use the same shall have been paid) of, in, to, or out of such Messuages, Buildings, Houses, Warehouses, Shops, Lands, Tenements, or Hereditaments, shall vest in the said respective Commissioners and their Successors respectively, in trust for effecting the Purposes of this Act, and they shall be deemed in Law to be in the actual Seisin or Possession thereof to all Intents and Purposes whatsoever; and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons unto or to whose Use or Credit such Payments shall have been made as aforesaid, but also shall extend to and be deemed and construed to bar the Dower and Dowers, and all Right and Title thereto, of the Wife and Wives of such Person or Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons, and every Person claiming under them.

Power to pull down Buildings purchased for the Purposes of this Act.

CXXXI. And be it further enacted, That it shall and may be lawful and for the said respective Commissioners, and they are hereby authorized and empowered, from Time to Time to cause all and every the Messuages, Tenements, Buildings, and Erections which shall at any Time or Times 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 pulled 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 Streets, Markets, Lanes, Roads, Passages, or other public Places, Footways, or Causeways, within the said Limits respectively, for the Purposes aforesaid, in such Manner as the said Commissioners shall judge proper; and that it shall be lawful for the said Commissioners to cause all or any of the Materials of the several Messuages, Tenements, Buildings, or Erections, or Parts of Messuages, Tenements, Buildings, or Erections, 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 Messuages, Tenements, Buildings, or Erections, and of such Sale,) shall be applied and disposed of in aid of the Rate and Assessment out of which the Expence of such Purchases respectively shall be defrayed or paid.

Power to sell Premises not wanted.

CXXXII. And be it further enacted, That it shall and may be lawful for the said respective Commissioners to sell so much 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 or Times be found by them to be unnecessary, or more than sufficient for the Purposes of this Act; and for completing or carrying any such Sales into Effect, the said Commissioners are hereby authorized and empowered to make any Conveyances of such of the said Premises as shall be so sold unto the Purchasers thereof, and such Conveyances shall in all Cases be deemed sufficient in Law to vest such of the said Premises as shall be expressed in and intended to be granted by such Conveyances in the Purchasers thereof, and his, her, or their respective Heirs and Assigns; and all Monies to arise by any Sales which may be made

made by the said Commissioners of the said Premises, or any Part or Parts thereof, shall be applied in aid of the Rates or Assessments out of which the Purchase Money for the same shall have been respectively paid; and the Purchaser or Purchasers thereof, having paid his, her, or their Purchase Monies to the said Commissioners, and obtained their Receipt or Receipts for the same, shall not be liable to see to the Application of the said Monies, or be answerable or accountable for the Misapplication or Non-application of the same.

CXXXIII. And be it further enacted, That in all Grants and Conveyances to be made by the said respective Commissioners under or by virtue of the several Powers and Authorities by this Act granted, the words "Grant, Bargain, and Sell," shall be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee or Purchaser, his, her, and their Heirs, Executors, Administrators, and Assigns, from the said Commissioners, for themselves and their Successors, that the said Commissioners, notwithstanding any Act done by them, were at the Time of the Execution of every such Grant or Conveyance seised of the Lands, Hereditaments, and Premises thereby granted, conveyed, and sold, of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, for quiet Enjoyment thereof against the said Commissioners and their Successors, and all Persons claiming under them, and all such Purchasers shall be indemnified and saved harmless by the said Commissioners and their Successors.

The Words
"Grant,
Bargain, and
Sell," to ope-
rate as Cove-
nants.

CXXXIV. And be it further enacted, That all and every Person or Persons who shall have any Mortgage or Mortgages on any Houses, Buildings, Lands, Tenements, or Hereditaments, so to be from Time to Time purchased for any of the Purposes of this Act, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said respective Commissioners, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Commissioners, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Commissioners, or such Person or Persons as they shall appoint, that they the said Commissioners will pay off and discharge the Principal Money and Interest which shall be due on such Mortgage or Mortgages at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, then at the Expiration of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Commissioners, or such Person or Persons as shall be appointed as aforesaid in trust for them; and in case such Mortgagee or Mortgagees shall refuse to convey or assign as aforesaid on such Tender or Payment, then and in such Case all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of such Houses, Buildings, Lands, Tenements, or Hereditaments, or the Part or Parts thereof which shall be taken for

Provision in
case of Mort-
gages.

the Purposes of this Act, then the said Commissioners shall not be liable to pay such Mortgagee or Mortgagees more than the real Value of such Premises.

Improvement
Rate for the
City and
Suburbs.

CXXXV. And for raising Money to defray the Expences of purchasing Property for Improvements, and of making Improvements respectively within such Parts of the said City and Suburbs as are not within the Jurisdiction of the Liberty of *Saint Peter*; be it further enacted, That the said Commissioners shall, and they are hereby authorized and empowered, when and as often as they shall find it necessary, to make a Rate or Assessment, under the Name and by the Description of "The Improvement Rate," on the several Tenants and Occupiers of all Dwelling Houses, Mills, Workhouses, Shops, Workshops, Cellars, Vaults, Warehouses, Stables, Coach Houses, Brewhouses, Granaries, Malhouses, and all other Buildings and Erections whatsoever, which are already built or made, or which shall hereafter be built or made within such Parts of the said City and Suburbs as are not within the Jurisdiction of the said Liberty, and of the several Yards, Gardens, and Appurtenances thereto respectively belonging or adjoining, and of all other Tenements and Hereditaments within such Parts of the said City and Suburbs as aforesaid, according to the annual Rack Rent or Value of the same Premises respectively, such annual Rent or Value to be from Time to Time settled, ascertained, and fixed in such Manner as the said Commissioners shall direct or appoint; provided nevertheless, that no such Rate or Rates, Assessment or Assessments, shall exceed Sixpence in the Pound upon the Rack Rent or Value of the same Premises respectively in any one Year; provided also, that no such Tenant or Occupier shall be assessed to the said Rate in respect of any Lands which shall be used as Arable, Meadow, or Pasture Ground only, or in respect of the Stables or Barns thereon; provided also, that the Tenant or Occupier of any Garden which shall exceed an Acre in Quantity shall be assessed to the said Rate in respect only of One Acre in Quantity of such Garden.

Rate for
general Pur-
poses for the
City and
Suburbs.

CXXXVI. And for raising Money to defray the Expences attending the obtaining this Act, and the other general Expences of carrying the same into Execution within such Parts of the said City and Suburbs as are not within the Jurisdiction of the said Liberty of *Saint Peter*; be it further enacted, That the said Commissioners shall, and they are hereby authorized and empowered, when and as often as they shall find it necessary, to make a Rate or Assessment, under the Name and by the Description of "The Rate for general Purposes," on the several Tenants and Occupiers of all Dwelling Houses, Mills, Workhouses, Shops, Workshops, Cellars, Vaults, Warehouses, Stables, Coach Houses, Brewhouses, Granaries, Malhouses, and all other Buildings and Erections whatsoever, which are already built or made, or which shall hereafter be built or made within such Parts of the said City and Suburbs as are not within the Jurisdiction of the said Liberty, and of the several Yards, Gardens, and Appurtenances thereto respectively belonging and adjoining, and of all Orchards, Paddocks, Closes, Lands, Tenements, and Hereditaments within such Parts of the said City and Suburbs as aforesaid, according to the annual Rack Rent or Value of the same Premises respectively, such annual Rent or Value to be from Time to Time settled,

settled, ascertained, and fixed in such Manner as the said Commissioners shall direct or appoint; provided nevertheless, that no such Rate or Rates, Assessment or Assessments, shall exceed One Shilling in the Pound upon the Rack Rent or Value of the same Premises respectively in any One Year.

CXXXVII. Provided always, and be it further enacted, That in every Case where, at the Time of making any Rate for general Purposes within such Parts of the said City and Suburbs as are not within the Jurisdiction of the Liberty of *Saint Peter*, any Land shall be used as Arable, Meadow, or Pasture Ground only, all such Land, with the Stables and Barns thereon, shall be rated only to such a Proportion of the said Rate or Assessment as shall be equal to a fair Average of what was the usual Proportion of the Assessment in respect of such Lands, Stables, and Barns, to the Repairs of the Highways before the passing of this Act; and that in every Case where, at the Time of making any such Rate or Assessment, any Land shall be used as a Garden, and shall exceed an Acre in Quantity, the surplus Quantity above an Acre shall be subject only to such Proportion of the said Rate as last aforesaid; and that in case of any Difference arising as to the Amount of such Proportions respectively, the same shall be referred to the Determination of Two of His Majesty's Justices of the Peace for the said City, who are hereby authorized and required to determine the same, and to settle and adjust such Rate or Assessment accordingly.

Proviso: as
to Rates on
Land in the
City and
Suburbs.

CXXXVIII. And for raising Money to defray the Expences attending the obtaining of this Act, and of carrying into Execution the several Purposes thereof, and also for accomplishing the several Purchases, Improvements, Matters, and Things hereby authorized to be done and performed within the said Liberty of *Saint Peter*; be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered, when and as often as they shall find it necessary, to make a Rate or Rates, Assessment or Assessments, upon the Tenants or Occupiers of all Dwelling Houses, Mills, Workhouses, Shops, Workshops, Cellars, Vaults, Warehouses, Stables, Coach Houses, Brewhouses, Granaries, Malhouses, and all other Buildings and Erections whatsoever, which are already built or made, or which shall hereafter be built or made within the said Liberty of *Saint Peter*, and of the several Yards, Gardens, and Appurtenances thereto respectively belonging and adjoining, and of all Orchards, Paddocks, Lands, Tenements, and Hereditaments within the said Liberty, according to the annual Rack Rent or Value of the same Premises respectively, such annual Rent or Value to be from Time to Time settled, ascertained, and fixed in such Manner as the said Commissioners shall direct or appoint; provided nevertheless, that no such Rate or Rates, Assessment or Assessments, shall exceed One Shilling and Sixpence in the Pound upon the Rack Rent or Value of the same Premises respectively in any One Year.

Rate for the
Liberty of
Saint Peter.

CXXXIX. And be it further enacted, That all and every Rate or Rates, Assessment or Assessments respectively, which shall be laid within the said City, Suburbs, or Liberty respectively, for any of the particular or general Purposes of this Act, shall be signed by so many of the said
respective

Rates to be
signed and
allowed.

respective Commissioners as are competent to transact Business under the Powers of this Act, and shall be allowed and confirmed by Two Justices of the Peace of the said respective Districts for which the same shall be laid.

Power for
Parishes to
appoint Col-
lectors of
Rates.

CXL. And be it further enacted, That for the Purpose of collecting the respective Rates and Assessments to be levied by virtue of this Act, the Inhabitants of the several Parishes in the said City and Suburbs, and the Inhabitants of the said Liberty, shall and may, and they are hereby authorized and empowered from Time to Time, in their respective Vestries or usual Places of meeting, to appoint a Collector or Collectors, and from Time to Time to remove the same Collector or Collectors and appoint others; and the Names of such Collectors so appointed shall be notified by such Vestries or Meetings to the said respective Commissioners or their Clerk; and the Inhabitants of each of such Parishes and Liberties respectively shall be responsible for the Payment to the respective Treasurers of the said Commissioners, by such Collectors, of the Rates and Assessments levied and collected within such Parish or Liberty, and for any Failure or Default on the Part of such Collector to account for the Monies so collected; but in case the Inhabitants of any of the said Parishes, or of the said Liberty, shall refuse or neglect to appoint a Collector or Collectors, or to notify such Appointment to the said Commissioners, the said respective Commissioners shall appoint a Collector or Collectors to receive the Rates or Assessments from the Parish or Liberty so refusing or neglecting.

Payment of
Rates.

CXLI. And be it further enacted, That all and every Rate or Rates, Assessment or Assessments, so to be made as aforesaid, shall be paid by the said Tenants or Occupiers so rated to the Collector or Collectors or other Person or Persons appointed to collect the same as aforesaid; and if any Tenant or Occupier so rated as aforesaid shall neglect or refuse to pay his or her Proportion or Proportions of the said Rate or Rates, or Assessment or Assessments respectively, to the said Collector or Collectors, or other Person or Persons so appointed to collect the same, for the Space of Seven Days next after Demand thereof made at the Dwelling House or usual Place of Abode of such Tenant or Occupier, the said Sum or Sums so rated upon him or her as aforesaid shall be levied and recovered by Distress and Sale of the Goods and Chattels of the said Tenant or Occupier so neglecting or refusing as aforesaid, upon Complaint to any Justice or Justices of the Peace acting for the District, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, together with all Costs and Charges incidental to and attending such Complaint, Distress, and Sale; and in case no Goods and Chattels of such Defaulter can be found whereon to levy the said Distress, it shall be lawful for any such Justice or Justices to commit such Defaulter to the Common Gaol, or any House of Correction for the said City or Liberty, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless the said Amount directed to be levied as aforesaid shall be sooner paid.

Rates to be
paid by Per-
sons pre-

CXLII. And be it further enacted, That in case any Person or Persons who shall be rated or assessed by virtue of this Act shall quit the Premises for

for or in respect of which such Person or Persons shall be so rated or assessed, before he, she, or they shall have duly paid and discharged the Amount of his, her, or their Rate or Assessment, and shall afterwards refuse or neglect to pay the same, for the Space of Three Days after Demand thereof made at the Dwelling House or usual Place of Abode of such Person or Persons, by the Collector or Collectors of such Rates, or other Person or Persons authorized to collect the same, then and in every such Case it shall be lawful for any One or more of His Majesty's Justices of the Peace having Jurisdiction as aforesaid, upon Complaint thereof, to issue a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, for levying the Amount assessed upon such Defaulter or Defaulters as aforesaid, by Distress and Sale of his, her, or their Goods and Chattels, together with the incidental Costs, Charges, and Expences attending such Complaint, Distress, and Sale, such Defaulter having been first duly summoned by such Justice or Justices to appear before him or them at a Time and Place to be mentioned in such Summons, to show Cause for such Neglect or Refusal; and in case no Goods and Chattels of such Defaulter or Defaulters can be found whereon to make such Distress, it shall be lawful for such Justice or Justices to commit such Defaulter or Defaulters to the Common Gaol, or any House of Correction for the said City or Liberty respectively, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless the Amount directed to be levied as aforesaid shall be sooner paid and satisfied.

viously to
quitting their
Houses, &c.

CXLIII. And be it further enacted, That in all Cases where any Person or Persons rated by virtue of this Act shall remove from or quit the Possession of the Premises for or in respect of which such Person or Persons shall be so rated, every such Person or Persons shall be liable to pay such Rate or Assessment in proportion to the Time such Person or Persons occupied the said Premises; and in all Cases where any Person or Persons shall come into and occupy any Premises rated or assessed, or liable to be rated or assessed as aforesaid, and out of or from which any other Person or Persons shall have previously removed, or which at the Time of making any such Rate or Assessment were empty and unoccupied, such Person or Persons so coming into and occupying the same shall be liable to pay the then existing Rate or Assessment for and in respect of the said Premises, although his, her, or their Name or Names shall or may not be inserted in such Rate or Assessment, in proportion to the Time that such Person or Persons shall occupy the said Premises, commencing upon the Day of his, her, or their Entry as Tenants, or of taking Possession of the Premises, as if the Name or Names of such Person or Persons had been originally inserted in such Rate or Assessment; and in case any Dispute shall arise as to the Proportion hereinbefore respectively mentioned and directed to be paid, the Amount thereof shall in all Cases be settled and ascertained by Two Justices of the Peace, having Jurisdiction as aforesaid.

Rates to be
apportioned
on Persons
removing
from their
Houses, &c.

CXLIV. And be it further enacted, That the Landlord, or any One or more of the Occupiers of all Houses, Buildings, or Tenements within the said City, Suburbs, or Liberty, which is or shall or may be let out ready-furnished, or in separate Apartments, Rooms, or Floors, and the Landlord

Houses let in
separate
Apartments
or ready-fur-
nished, or un-

[*Local.*]

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of

der 5l. a Year,
how to be
assessed.

of all Houses let for less than Five Pounds a Year, shall be liable and subject to the Rates or Assessments directed by this Act to be raised and levied, and shall be rated and assessed accordingly; and all and every Person or Persons renting or occupying any ready-furnished Houses, or separate Apartments, Rooms, or Floors as aforesaid, shall be liable and compellable to pay the said Rates or Assessments, to be recovered in manner herein directed; and every such Occupier 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 the next Rent due and payable from him, her, or them to such respective Lessee, Landlord, or Owner, and the Receipt for such Payment shall be a sufficient Discharge for the Occupier to his or her Landlord for so much Money as he or she shall pay, or shall be levied on him or her by virtue of this Act; but no such Occupier shall at any Time be required to pay, or be subject or liable to pay any greater Sum for or towards the Discharge of the said Rates or Assessments, or any of them, and Arrears thereof, than the Amount of the Rent actually due and payable by such Tenant or Occupier to the Lessee, Landlord, or Owner of the Premises so let out ready-furnished, or in separate Apartments, Rooms, or Floors, to him or her; and the Person so paying such Rate shall be authorized and enabled to recover the Amount paid, from the Landlord, by Warrant of Distress from any Two Justices of the Peace of the District, which they, upon Application of such Occupier so making such Payment, are hereby authorized to grant: Provided always, that nothing herein contained shall extend to prejudice or vacate any Agreement between Landlord and Tenant.

Agreements
between
Landlord
and Tenant
not to be
vacated.

Relief in case
of Poverty.

CXLV. Provided also, and be it further enacted, That it shall be lawful for the said respective Commissioners, and they are hereby empowered, upon the Complaint of any Occupier of any Dwelling House or other Hereditaments subject to the Payment of the said Rates or Assessments, to mitigate, reduce, lessen, remit, or excuse, for or on account of his or her Poverty or Inability only, Payment of the said Rate or Assessment by such Occupier for such Dwelling House or other Hereditaments, in such Manner as the said Commissioners shall in their Discretion think just and reasonable.

Appeal
against Rate
to Petty Ses-
sion.

CXLVI. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, he, she, or they may appeal to Two Justices of the Peace of the District in Petty Sessions, who are hereby authorized and empowered to hear the same in a summary Way, and if they shall think fit, to give such Relief in the Premises as to them shall seem reasonable; and if any Person or Persons shall be dissatisfied with the Determination of the said Two Justices therein, he, she, or they may appeal in the Manner herein-after mentioned to the General or Quarter Sessions of the Peace to be holden for the District, and the Determination of the Justices in such Sessions therein shall be final and conclusive.

Power to bor-
row Money.

CXLVII. And for the more speedy and effectual raising of Money for the several Purposes of this Act, be it further enacted, That it shall be lawful

lawful for the said Commissioners respectively, and they are hereby empowered from Time to Time to borrow and take up at Interest, upon the Credit of the several Rates or Assessments to be laid and levied by virtue of this Act, the Sums of Money following; (that is to say), the Commissioners for carrying this Act into Execution within such Parts of the said City and Liberty as are not within the Jurisdiction of the Liberty of *Saint Peter*, shall and may borrow and raise, on the Credit of the Improvement Rate, any Sum or Sums not exceeding in any One Year the Sum of Three thousand Pounds, nor exceeding in the whole Sum to be due and owing at any one Time the Sum of Ten thousand Pounds; and on the Credit of the Rate for general Purposes, any Sum or Sums not exceeding in any one Year the Sum of Two thousand Pounds, nor exceeding in the whole Sum to be due and owing at any one Time, the Sum of Two thousand Pounds; and the Commissioners for carrying this Act into Execution within the said Liberty of *Saint Peter* shall and may borrow and raise, on the Credit of the Rate within the said Liberty, any Sum not exceeding in any One Year the Sum of Two hundred and fifty Pounds, nor exceeding in the whole Sum to be due and owing at any one Time, the Sum of Five hundred Pounds: And the said Commissioners respectively shall and may, by Writing under their Hands and Seals, or under the Hands and Seals of so many of such Commissioners as are competent to form a Meeting, to mortgage or assign over the said respective Rates or Assessments, or any Part thereof respectively, 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 shall be framed according to the Form following; (that is to say),

‘ BY virtue of an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled [*set forth the Title of this Act*], we _____ of the Commissioners appointed for carrying the said Act into Execution within such Parts, of the said City and Liberty as are not within the Jurisdiction of the Liberty of *Saint Peter*, or within the Liberty of *Saint Peter* in the said City [*as the Case may be*], in consideration of the Sum of _____ paid to us by *A. B.* [*insert the Name, Place of Abode, and other necessary Addition of the Lender*], for the Purpose of making the Improvements authorized by the said Act, or for the general Purposes of the said Act [*as the Case may be*], within the said City and Suburbs, or within the said Liberty, *as the Case may be*, do grant and assign unto the said *A. B.* his or her Executors, Administrators, and Assigns [*or to his or her Trustee or Trustees, as the Case may require*], such Proportions of the Rates or Assessments for Improvements, *or* for general Purposes, *as the Case may be*, arising by virtue of the said Act within such Parts of the said City and Suburbs as are not within the Jurisdiction of the said Liberty of *Saint Peter*, *or*, such Proportions of the Rates and Assessments arising by virtue of the said Act within the said Liberty, *as the Case may be*, 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

Form of
Mortgage.

‘ henceforth for the same, at the Rate of
 ‘ *Centum per Annum*, to be paid shall be fully ^{per}
 ‘ repaid and satisfied. In witness whereof we have hereunto set our
 ‘ Hands and Seals this Day of
 ‘ in the Year of our Lord

And every such Mortgage or Assignment shall be good, valid, and effectual in the Law.

Mode of
transferring
Securities.

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

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

Entries to be
made of
Securities.

And Entries or Memorials of all such Mortgages or Assignments which shall be made in pursuance of this Act, and of all Transfers thereof, expressing in Words at Length the Names, Additions, and Places of Abode, and other necessary Descriptions of all such Persons as shall from Time to Time be entitled to the Principal Money and Interest thereby secured, shall be entered in Books to be kept for that Purpose by the Clerks respectively to the said respective Commissioners, which Books any Person interested shall at all seasonable Times have free Liberty to inspect without Fee or Reward; and for the Entry of every such Mortgage or Assignment the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and every such Mortgage 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 thereby made or transferred; and all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments charged therewith, equally one with another, without any Preference in respect of the Priority of advancing such Monies, or the Dates of any such Mortgages or Assignments respectively.

Application
of the City
and Suburbs
Improve-
ment Rate.

CXLIX. 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 Improvement Rate, within such Parts of the said City and Suburbs as are not within the Jurisdiction of the Liberty of *Saint Peter*, and all the Monies which shall be borrowed on Mortgage of the same Rates and Assessments, shall be and the same are hereby vested in the

the said Commissioners, and the same shall from Time to Time and at all Times be paid, applied, and disposed of, by and under the Orders of the said Commissioners, for paying the Purchase Monies for, and the Costs, Charges, and Expences of and attending or incident to the purchasing of any Messuages, Cottages, Buildings, Lands, Tenements, or Hereditaments, for the Purpose of widening or otherwise improving any Streets, Lanes, Roads, or other public Places, and for paying the annual Interest of the Principal Monies to be borrowed on the Credit of such Rates and Assessments, and for paying off the Principal Monies to be borrowed as last aforesaid, and for no other Use, Intent, or Purpose whatsoever.

CL. And be it further enacted, That all the Monies which shall be raised by virtue of this Act from and by the Rates and Assessments herein-before authorized to be assessed and levied within such Parts of the said City and Suburbs as are not within the Jurisdiction of the Liberty of *Saint Peter*, under the Name and Description of the Rate for general Purposes, and by the Rates and Assessments herein-before authorized to be assessed or levied in the said Liberty of *Saint Peter*, and all the Monies which shall be borrowed on Mortgage of the same Rates and Assessments, shall be and the same are hereby vested in the said respective Commissioners, and the same shall from Time to Time and at all Times be paid, applied, and disposed of, by and under the Order of the said respective Commissioners, in manner following; (that is to say), in the first Place, in paying and defraying the Costs, Charges, and Expences of applying for or incident to the obtaining and passing of this Act, with Interest for the Money which shall have been advanced for those Purposes, and all other Costs, Charges, and Expences relating or incident to the Execution of this Act, or any of the Directions therein contained, and the Powers and Authorities hereby given and granted to the said respective Commissioners, and for paying the annual Interest of the Principal Monies to be borrowed on the Credit of such Rates and Assessments, and for paying off the Principal Monies to be borrowed as last aforesaid, and for carrying the Intents and Purposes of this Act into full and 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 Commissioners for carrying this Act into Execution within such Parts of the said City and Suburbs as are not within the Jurisdiction of the Liberty of *Saint Peter*, under the Name or Description of the Rate for general Purposes, shall be disposed of or applied in defraying the Expences of improving the Streets, Lanes, Roads, or other public Paths or Passages within the said City or Suburbs, or in discharging any Part of the Purchase Money, or the Costs, Charges, and Expences to be incurred in or about or incident to the purchasing of any Messuages, Cottages, Buildings, Lands, or Tenements, for the Purposes of widening or improving any Street, Lane, Road, Passage, or other public Place within the same.

CLI. And be it further enacted, That if any Person or Persons shall at any Time or Times obstruct, molest, or hinder any Surveyor, Collector, Watchman, Beadle, or other Officer who shall be appointed or employed by virtue of this Act, in the Performance or Execution of any Duty, Matter, or Thing hereby authorized or directed to be done, every

[Local.]

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Person

Application
of other
Rates.

Penalty on
Persons ob-
structing any
Officers in
the Perform-
ance of their
Duty.

Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Witnesses not attending to give Evidence.

CLII. And be it further enacted, That if any Person or Persons shall be summoned to appear as a Witness or Witnesses, before any Justice or Justices of the Peace acting under the Authority of this Act, touching or concerning any Information or Complaint exhibited to such Justice or Justices for any Offence against this Act, either on behalf of the Prosecutor or on behalf of the Person or Persons accused, and shall refuse or neglect to attend and appear at the Time and Place mentioned and appointed for that Purpose in and by such Summons, after having been paid or tendered a reasonable Sum for his, her, or their Costs and Expences in giving such Attendance, without a reasonable Excuse for such Refusal or Neglect, or shall, after attending and appearing, refuse to be sworn and examined upon Oath, or in case of a Quaker or Quakers, to be affirmed and examined upon solemn Affirmation, or after having been so sworn or affirmed shall neglect or refuse to give Evidence before such Justice or Justices of the Peace touching or concerning the Subject or Matter of the said Information or Complaint, or upon any Matter or Thing incidental or relating thereto, then and in every such Case every Person making such Default as aforesaid shall for every such Default forfeit and pay any Sum not exceeding Ten Pounds, to be recovered in the same Manner as any other Penalty imposed by this Act is herein directed to be recovered.

Compensation ordered to be paid by Commissioners, may be levied by Distress.

CLIII. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices of the Peace to be paid by the said respective Commissioners, in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Commissioners, or any Person or Persons acting by or under their Authority or Direction, and such Sum or Sums of Money, together with the reasonable Costs and Charges of hearing and determining the Matter, shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same, within Five Days after Demand thereof in Writing shall have been made and delivered to the Clerk or Clerks, or Treasurer to the said Commissioners for the Time being, then and in such Case the Amount of such Compensation or Satisfaction and Costs as aforesaid, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Commissioners vested in them by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, together with the Costs also of such Distress and Sale, under a Warrant to be issued for that Purpose by any Justice or Justices of the Peace having Jurisdiction as aforesaid, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, upon Application made to him or them for that Purpose, by the Party or Parties entitled to receive such Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid.

Damages and Charges in case of Dis-

CLIV. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered in

in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences; who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels, in manner directed by this Act for the levying of any Penalties or Forfeitures.

pute to be settled by Justices.

CLV. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by or under any Bye Law, Rule, or Order to be made in pursuance thereof (the Manner of levying and recovering whereof is not herein-before particularly specified), shall be recovered in a summary Way, upon Complaint to any One or more of the Justices of the Peace for the said City or for the said Liberty, within their respective Jurisdictions, who shall summon the Party or Parties complained against to answer the said Complaint, and upon his, her, or their Attendance in pursuance of such Summons, or in case the Party or Parties complained against shall not appear in pursuance of such Summons, the said Justice or Justices shall, in either Case, proceed to examine the Cause and Matter of such Complaint, and make such Order or Adjudication in the Premises, either for the Conviction or Acquittal of the said Party or Parties complained against, as such Justice or Justices in his or their Discretion shall determine; and upon the Conviction of any Party or Parties of any Offence against this Act, for which a pecuniary Penalty is hereby imposed or inflicted, such Penalty shall be immediately paid, together with the Costs attending such Conviction, to be ascertained by the said Justice or Justices; and in default thereof, the said Justice or Justices, or any other of His Majesty's Justices of the Peace for the said City or Liberty, within their respective Jurisdictions, shall forthwith issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the said Defaulter or Defaulters.

Recovery and Application of Penalties.

CLVI. Provided always, and be it further enacted, That all Penalties imposed by this Act on the said Commissioners, or their Treasurer, and which are not by this Act specially directed to be otherwise applied or disposed of, shall be paid to the Overseers of the Poor of the Parish in which the Penalty shall be incurred, and be by them applied in Aid of the Poor's Rates of such Parish; any thing herein-before contained to the contrary notwithstanding.

Application of Penalties imposed on Commissioners.

CLVII. Provided always, and be it further enacted, That it shall be lawful for the said Justice or Justices, upon the Conviction of any Person or Persons of any Offence under this Act, for which a pecuniary Penalty is hereby imposed, to order him, her, or them to be detained in safe Custody, until a Return can be conveniently made to any Warrant or Warrants of Distress which shall or may have been issued by such Justice or Justices for levying such Penalty and the Costs attending such Conviction, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices (who is and are hereby empowered to accept the same by way of Recognizance or otherwise), for his, her, or their Appearance before the said Justice or Justices, at

Justices may order Persons convicted of an Offence against this Act, to be detained in Custody until Return shall be made to Warrant of Distress.

In case of no sufficient Distress, and on Nonpayment of Penalty, Justice may commit.

at such Time and Place as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being later than Seven Days from the Time of taking any such Security; 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, or if it shall appear to such Justice or Justices, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereupon to levy such Penalty or Forfeiture, or such Costs as aforesaid, on a Warrant of Distress being issued; 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 any Common Gaol or House of Correction in the said City or Liberty respectively, 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.

For securing unknown Offenders.

CLVIII. And whereas Offences may be committed against this Act by Persons unknown to the said Commissioners or their Officers; be it therefore further enacted, That it shall be lawful for any of the said Commissioners, or any Officer to be appointed by them respectively under this Act, and also for such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than is herein contained, to apprehend and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and to take and convey him, her, or them before any Justice of the Peace for the said City or Liberty respectively, to be dealt with according to this Act.

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

Form of Conviction.

to wit. } BE it remembered, That on the [*here set forth the Day*
 and Year upon which the Conviction takes place, and the
 Name and Addition of the Offender or Offenders] is convicted before me,
 One [*or as the Case may be*] of His Majesty's Justices of the Peace for
 the City and County of the City of York, or Liberty of Saint Peter
 [*as the Case may be*], of an Offence against a certain Act made and
 passed in the Sixth Year of the Reign of His Majesty King George
 the Fourth, intituled [*here set forth the Title of this Act*], for that
 he the said [*here repeat the Name of the Offender or Offenders*]
 on the [*here set forth the Day and Year upon which the Offence*
was committed,] at [*here set forth the Parish or Place wherein the*
Offence was committed,] did [*here describe the Offence*] contrary to
 the said Act; for which Offence I [*or we, as the Case may be*] do
 hereby adjudge the said [*here repeat the Name of the Offender or*
Offenders] to have forfeited the Sum of [*here set forth the Amount of*
 the

'the Penalty] which I [or we, as the Case may be,] do hereby order and
 'adjudge him forthwith to pay, together with the further Sum of [here
 'set forth the Amount of Costs] which I [or we, as the Case may be] have
 'ascertained and fixed as the reasonable Costs attending this Conviction.
 'Given under my [or our, as the Case may be] Hand [or Hands] and
 'Seal [or Seals] the Day and Year first above written.'

CLX. And be it further enacted, That where any Distress shall be made or levied for any Sum or Sums of Money, or any Warrant of Commitment executed by virtue of this Act, such Distress or Commitment itself shall not be deemed unlawful, nor shall the Party or Parties making or executing the same be deemed a Trespasser or Trespassers, on account of any Defect in Substance or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties executing such Warrant of Distress be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity that shall be subsequently committed by such Party or Parties; but the Person or Persons aggrieved by any Irregularity herein-before mentioned may maintain an Action on the Case for the special and actual Damage (if any) sustained thereby, but not otherwise.

Distress not
 illegal for
 Want of
 Form.

CLXI. Provided always, and be it further enacted, That any Person or Persons, Body or Bodies Politic or Corporate, who may consider himself, herself, or themselves aggrieved by any Matter or Thing to be done by the said Commissioners respectively in the Execution of this Act, or by any Bye Law, Rule, or Order, Rate or Assessment to be made by virtue of this Act, or under the Powers and Authorities hereby granted (except in Cases where any other particular Method of Relief has been herein-before specified), or by any Order or Judgment of the said Commissioners, or any Order or Adjudication of any Justice or Justices of the Peace in pursuance of this Act, may, within Three Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be holden for the City or Place where the Cause or Matter of Appeal shall have arisen, upon giving Notice in Writing of such Appeal to the Clerk to the said respective Commissioners, or other the Respondent or Respondents, One Calendar Month at least before the said General or Quarter Sessions at which such Appeal is intended to be made, in which Notice shall be clearly and distinctly set forth and expressed the Ground, Cause, and Matter of such Appeal; and such Appellant or Appellants shall also, within Ten Days after such Notice, enter into a Recognizance with Two sufficient Sureties before some Justice or Justices of the Peace for such City or Place, conditioned to try such Appeal, and to abide the Order and Award of the said Court of General or Quarter Sessions; and in the said Notice of Appeal so directed to be given as aforesaid, the said Appellant or Appellants shall appoint a Place and Time, not earlier than Three Days from the Date thereof, at which the said Recognizance is intended to be entered into, and shall also state the Name, Residence, and Profession of his, her, or their Sureties; and the said Justices at such General or Quarter Sessions as aforesaid, upon due Proof of such Notice and Recognizance having been respectively given and entered into, shall in a summary Way hear and determine the Matter and Subject of such Appeal,

Appeal.

[Local.]

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and shall also, at their Discretion, award such Satisfaction to the Party injured, or such Costs to either of the said Parties as the said Justices shall adjudge reasonable and proper; and all such Determinations of the said Justices at such General or Quarter Sessions shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Justices may amend Rate, or quash same.

CLXII. Provided always, and be it further enacted, That upon any Appeal against the said Rates or Assessments hereby authorized, or any of them, the Justices at the General or Quarter Sessions for the said City or Liberty respectively shall and may amend the same in such Manner as may be necessary for giving Relief to the Appellant or Appellants personally, without wholly quashing such Rates or Assessments; but if, upon an Appeal against the whole Rate or Assessment, it shall be found necessary to supersede the same, then and in every such Case it shall and may be lawful to and for such Justices to quash such Rate or Assessment altogether, and to order a new Rate or Assessment to be made by the respective Commissioners under this Act.

Inhabitants incompetent Witnesses.

CLXIII. And be it further enacted, That no Person shall in any Action, Prosecution, or other Proceeding whatsoever relating to or concerning the Execution of this Act, be deemed an incompetent Witness on account of his or her being charged with or liable to pay any Rate or Assessment to be raised, levied, and collected by virtue of this Act, (save in any Case where such Person shall be immediately interested).

Plaintiff in any Action not to recover without Notice given, or after Tender of Amends.

CLXIV. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action commenced against any Person or Persons, for any thing done or performed in Execution of or under the Authority of this Act, unless Notice thereof in Writing shall be previously given to the Person or Persons intended to be sued, Twenty-eight Days before such Action shall be commenced, which Notice shall be signed by the said Plaintiff or Plaintiffs, or his, her, or their Attorney or Attornies, and shall clearly and distinctly specify the Cause of such Action; nor shall such Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the said Defendant or Defendants, before such Action shall be commenced; and in case no such Tender shall be made, it shall be lawful for the said Defendant or Defendants in any such Action, by Leave of the Court, at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think proper, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

No Action to be commenced after Three Months from the Cause of Action.

CLXV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any Act or Thing done in Execution of or under the Authority of this Act, after Three Calendar Months from the Time when the Cause of such Action shall have arisen or been committed, or have ceased and been determined; and in every such Action or Suit the Venue shall be laid and the Cause tried where the Cause of Action shall have arisen or been committed, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall

shall and may, at his or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any such Trial, and that such Cause of Action arose, or was committed, in pursuance or under the Authority of this Act; and if the same shall so appear upon the said Trial, or if such Action or Suit shall have been commenced before such Notice shall have been given as aforesaid, or before the Expiration of Twenty-eight Days from the Service thereof, or after sufficient Amends and Satisfaction made or tendered as aforesaid, or after the Time limited for commencing the same, or shall be commenced in any other County 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, or if the said Plaintiff or Plaintiffs upon the said Trial shall be nonsuited, or shall discontinue his, her, or their Action or Suit after the said Defendant or Defendants shall have entered an Appearance thereto, or upon any Demurrer Judgment shall be given against the said Plaintiff or Plaintiffs, then and in every such Case the said Defendant or Defendants shall recover Treble Costs, and have such Remedies for recovering the same as any other Defendant or Defendants hath or have in other Cases by Law.

General Issue.

CLXVI. And be it further enacted, That no Order, Judgment, Record of Conviction, or other Proceeding whatsoever touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for any Informality therein.

Proceedings not to be quashed or vacated for Informality.

CLXVII. And be it further enacted, That Copies of the several Orders, Bye Laws, and Rules by this Act authorized to be made by the Lord Mayor of the said City, or by the Justices of the Peace for the said City, Suburbs, or Liberty, or by the said Commissioners respectively, shall be signed by the said Lord Mayor or Justices or Commissioners respectively making the same, as the Case may be, and shall be printed, and shall also be published by the respective Clerks to the Lord Mayor, Justices, or Commissioners, by affixing Copies thereof on the outer Door of the Guildhall of the said City, and on the Hall of Pleas of the said Liberty respectively; and shall also be painted on Boards, which shall be hung up and affixed on the Front of the Common Gaol of the said City and Liberty respectively, or on the Front of some other public Building within the same; and the Inscriptions on such Boards shall from Time to Time be renewed as often as the same or any Part thereof shall at any Time be obliterated, defaced, or destroyed; and such Orders, Bye Laws, and Rules shall be binding on and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall, in the Execution of this Act, act under the same; provided that such Orders, Bye Laws, and Rules shall not be repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or any Directions in this Act contained.

Bye Laws to be printed and made public.

CLXVIII. And be it further enacted, That no Justice of the Peace shall be disqualified from acting as such 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 City,

Justices not disqualified from acting in the Execution of this Act.

City, Suburbs, or Liberty; or being rated or liable to be rated to any of the Rates or Assessments to be made by virtue of this Act.

Notices, &c.
how to be
served.

CLXIX. And be it further enacted, That in all Cases of Notices 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 Services of any such Notices or Demands, 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 sufficient Service thereof, except only in Cases where personal Service is herein-before expressly required; or in case it shall be necessary to serve Notice upon the said respective Commissioners, or upon any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, then the leaving such Notice or a true Copy thereof at the Office or Place of Residence of the Clerk of the said Commissioners respectively, or at the Office or Place of Residence of the Chief Officer of any such Body Politic, Corporate, Collegiate, Ecclesiastical, or Civil, shall be deemed sufficient Service thereof.

Power to
Justices to
compensate
Prosecutors,
&c.

CLXX. And be it further enacted, That it shall be lawful for any Three or more of the Justices of the Peace acting in and for the said City or Liberty respectively, upon the Application of any Person or Persons who shall have prosecuted or given Evidence against any Offender or Offenders, duly convicted of any Felony, Assault, Nuisance, Misdemeanor, or other Crime or Offence whatsoever committed within the said City or Suburbs, or tried and acquitted thereof, by Writing under their Hands, to order and direct the respective Treasurer or Treasurers for the Time being of the Monies hereby directed to be raised and levied, to pay, out of the Monies to be received by him or them by virtue of this Act, to the Person or Persons making such Application, and having so prosecuted or given Evidence against such Offender or Offenders as aforesaid, such Sum of Money, in addition to the Allowance from the County Rates in Cases of Felony, as such Justices shall think a reasonable Compensation and Allowance for his, her, and their Expences and Loss of Time, and for the Expences and Loss of Time of any other Person or Persons duly and properly employed in and about the Apprehension, Examination, or Prosecution of any such Offender or Offenders as aforesaid, or such other Sum of Money as such Justices shall think proper to allow to such Prosecutor or Prosecutors, Witness or Witnesses, towards or in part Satisfaction of such Expences and Loss of Time as aforesaid, for which Order the Sum of One Shilling and no more shall be paid; and the said Treasurer or Treasurers is and are hereby authorized and required, upon Sight of such Order, forthwith to pay such Prosecutor or Prosecutors, or other Person or Persons, such Sum of Money as aforesaid, and shall be allowed the same in his or their Accounts.

And to offer
Rewards.

CLXXI. And be it further enacted, That for the more effectual Discovery and Punishment of Offenders, any Three or more of the said Justices of the Peace shall and may, and they are hereby authorized and empowered from Time to Time, if they shall see Cause, by Advertisement in

in any Public Newspaper or Newspapers, or by such other Ways or Means as they shall think fit, to offer such Sum and Sums of Money, not exceeding the Sum of Ten Pounds, as they shall think proper, as a Reward or Encouragement to any Person or Persons for the discovering, apprehending, prosecuting, or convicting any Offender or Offenders whomsoever, of any Offence by him, her, or them committed within the said City and Suburbs or Liberty respectively, and by Writing under the Hands of such Justices to order and direct such Treasurer or Treasurers as aforesaid to pay, out of the Monies in his or their Hands by virtue of this Act, as well all or any such Sum or Sums of Money so to be offered as aforesaid, as also all and every the Costs and Expences attending advertising, Publication, or other Notice of such Offer, to such Person or Persons, and in such Manner as such Justices shall think fit; and also that any Three or more of such Justices of the Peace shall and may, by Writing under their Hands as aforesaid, order any Sum or Sums of Money, not exceeding the Sum of Ten Pounds in any one Case, to be paid out of the Monies hereby directed to be raised and levied, to any Person or Persons whomsoever, as a Compensation or Reward for the Discovery, Apprehension, Prosecution, or Conviction of any Offender or Offenders whomsoever, though no previous Offer of Reward shall have been made.

CLXXII. And be it further enacted, That so much of the Street called *New Street*, otherwise *Cumberland Row*, within the said City, as is deemed to be extra-parochial, shall be construed and taken to be within the Parish of *Saint Martin Coney Street*, in the said City, for all the Purposes of this Act; and that so much of the Place called *Mint Yard*, and so much of the Street called *Lendall*, within the said City, as are deemed to be extra-parochial, shall be construed and taken to be within the Parish of *Saint Wilfred*, in the said City, for all the Purposes of this Act, in the same Manner as if the said respective Places had been anciently within the said respective Parishes; but that to all other Purposes to which this Act doth not extend, the said respective Places, or so much thereof as is or are now extra-parochial, shall from thenceforth continue and remain as if this Act had not been made; any thing herein contained to the contrary notwithstanding.

Extra-parochial Places to be annexed to certain Parishes for the Purposes of this Act.

CLXXIII. Provided also, That nothing in this Act contained shall extend or be construed to extend to alter, prejudice, impeach or lessen the Rights, Powers, and Privileges of the Mayor and Commonalty of the said City of *York*, or of the Justices of the Peace for the said City of *York*, and County of the same, or of the Justices of the Peace for the said Liberty respectively; nor to empower the Justices for the said City and County of the same, to exercise any Act of Jurisdiction within the said Liberty, nor to empower the Justices for the said Liberty, to exercise any Act of Jurisdiction within the said City, or the County of the same; any thing herein contained to the contrary notwithstanding.

Reservation of Rights.

CLXXIV. And be it further enacted, That where any thing to be done in pursuance of this Act, in the City or Suburbs, shall require the Consent of the Mayor and Commonalty of the said City, the same thing, if it be done within the Liberty of *Saint Peter* within the said City, shall require

Consent of Mayor and Commonalty, &c.

[Local.]

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the Consent of the Dean and Chapter of the Metropolitan Church of *Saint Peter of York.*

Public Act.

CLXXV. And be it further enacted, That this Act shall be deemed 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.

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