



ANNO SEXTO

GEORGIIV. REGIS.

Cap. cxxviii.

An Act for lighting, cleansing, watching, and regulating the Town of *Rochdale* in the County Palatine of *Lancaster*. [10th June 1825.]

WHEREAS the Town of *Rochdale* in the County Palatine of *Lancaster* is of considerable Extent and Population, and continually increasing, and is also a Place of considerable Trade, and of general Resort for Merchants, Traders, and others, and the same is also a great Thoroughfare for Travellers: And whereas it would be of great Convenience and Advantage to the Inhabitants of the said Town and to the Public, if the Streets, Squares, Market Places, Lanes, Ways, Paths, Passages, and other public Places in the said Town were effectually lighted and watched, and if Regulations were to be established for cleansing the same, and for removing and preventing Projections, Obstructions, Nuisances, and Annoyances therein, and for the better ordering and establishing the Police thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person and Persons who now is or are, or shall or may at any Time hereafter be or become Owner or Owners, Tenant or Tenants, Occupier or Occupiers of any Messuage, Dwelling House, Warehouse, or other Building, Messuages, Dwelling Houses, Warehouses, or other Buildings, or of any other Tenement within the said Town of *Rochdale*, of the yearly Rent or Value of Thirty-five Pounds at the least, shall be and they are hereby constituted, appointed,

[Local.]

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and

Commissioners.

and declared to be Commissioners for lighting, cleansing, watching, regulating, and improving the Town of *Rochdale*, and for putting and carrying the several Purposes of this Act into Execution.

Qualification
of Commis-
sioners.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oaths or Affirmations to the Chairman of a Meeting as herein-after mentioned), until he shall have taken and subscribed Oaths or Affirmations in the Words or to the Effect following :

Commission-
ers Oaths.

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly declare and affirm*], That I am really Owner, Tenant, or Occupier [*as the Case may be*] of a Messuage, Dwelling House, Warehouse, or other Building or Tenement, [*or of Messuages, Dwelling Houses, Warehouses, or other Buildings, or Tenements, as the Case may be*], situate in, &c. [*naming the Streets or Places*], within the said Town of *Rochdale*, of the yearly Rent or Value of Thirty-five Pounds.

‘ So help me GOD.’

[*Or, being a Quaker, omit the Words ‘ So help me God.’*]

‘ 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 [*here insert the Title of this Act.*]

‘ So help me GOD.’

[*Or, being a Quaker, omit the Words ‘ So help me God.’*]

Commission-
ers not to act
if interested,
but may act
as Justices.

Provided also, that no Person shall be capable of acting as a Commissioner in the Execution of this Act during the Time he shall hold any Office or Place of Profit under the said Commissioners, or in any Matter wherein he shall be in anywise personally or beneficially interested, or who shall sell any Ale, Wine, Cyder, or Spirituous Liquors by Retail, or who is or shall be a Victualler, or who shall cease to be the Owner or Occupier of a Building or Buildings in the said Town of the yearly Rent or Value aforesaid; but such of the said Commissioners as are Justices of the Peace may act as Justices of the Peace in the Execution of this Act notwithstanding their being Commissioners.

After Six
Months from
First Meeting,
no Commis-
sioners to act
until after
Three
Months from
Time of Qua-
lification.

III. And be it further enacted, That no Person shall, after the Expiration of Six Calendar Months from and after the Time of holding the First Meeting of the said Commissioners by virtue hereof, act as a Commissioner in the Execution of this Act, until after the Expiration of Three Calendar Months from the Time of his taking the said Oaths of Qualification as aforesaid; provided also, that if any Person shall after taking the said first-mentioned Oath or Affirmation of Qualification cease to be such a Tenant or Occupier as aforesaid, and shall afterwards again become such a Tenant or Occupier, and be rated as aforesaid, he shall nevertheless not be qualified to act as a Commissioner until he shall have again taken and subscribed the said first-mentioned Oath or Affirmation.

Penalty on
Persons not
qualified

IV. And be it further enacted, That if any Person, not being qualified according to the Directions of this Act, or being disqualified by any of the

the Causes herein-before mentioned; or not having taken and subscribed such Oaths as aforesaid, or being a Quaker not having made and subscribed such Affirmations as aforesaid, or being concerned in any Contract or Contracts; shall presume to act as such Commissioner in the Execution of the Powers hereby given, or any of them; every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered on the Information or Prosecution of any Person or Persons whomsoever, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, or Court of Common Pleas at *Lancaster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Privilege or Wager of Law, nor more than One Imparlance, shall be allowed; and every Person so sued or prosecuted by reason of not being so qualified shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty, 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; and the Money so to be recovered shall, after Payment of the Costs and Expences attending the Recovery thereof, be paid and apportioned as follows; that is to say, one Moiety thereof to the Informer or Prosecutor, and the other Moiety thereof to the Treasurer to be appointed by virtue of this Act, to be by him applied to the Purposes of this Act: Provided always, that all Acts and Proceedings of any Person or Persons acting as a Commissioner or Commissioners in the Execution of this Act, although not duly qualified as aforesaid, previous to his or their being convicted of any such Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been duly qualified to act as a Commissioner or Commissioners according to the Directions of this Act.

acting as
Commiss-
sioners.

V. And be it further enacted, That the said Commissioners, or any Seven or more of them, shall and may, upon the Second *Wednesday* after the passing of this Act, or as soon after as conveniently may be, assemble and hold a General Meeting at the Hour of Eleven in the Forenoon, at the *Wellington Hotel* in the said Town of *Rochdale*, and shall and may then and there proceed in the Execution of this Act; and a General Meeting shall also be held for carrying this Act into Execution on the First *Wednesday* in every Month after the passing of this Act, at the same Hour and Place, unless some other Hour, Day or Days in the Week or Year, or some other Place in the Town of *Rochdale* aforesaid, shall be appointed by the Commissioners assembled at the said First Meeting, or at any subsequent Meeting at which there shall be at least Seven Commissioners assembled; and if at any Time or Times when the said Meetings are hereby required to be held there shall not be at such Meeting or Meetings Seven Commissioners present, then such Meeting shall stand adjourned to the next Day on which and at the same Place at which a General Meeting ought to be held in pursuance of this Act, or in pursuance of any Appointment which shall have been made at a prior Meeting held as aforesaid; and all Acts, Orders, Rules, Resolutions, and Proceedings of the said Commissioners in the Execution of this Act, which shall be had, made, or done at any Meeting or Meetings to be held in pursuance of this Act, at which Seven or more of the said Commissioners shall be present, and in which the Majority of such Seven or more Commissioners shall concur (and not otherwise), shall be as valid and effectual

First and
other Meet-
ings of the
Commiss-
sioners.

In all Cases
not less than
Seven Com-
missioners
to act.

as

as if all the Commissioners for executing this Act had been present at such Meeting, and had concurred therein (except such Acts, Orders, and Proceedings as are by this Act particularly directed or authorized to be executed or done by any other Number of Commissioners, or in any other Manner); and at the First Meeting which shall be held for putting this Act into Execution one of the Commissioners present thereat shall be appointed Chairman, to whom any one other of such Commissioners shall and is hereby authorized and required to administer the Oaths or Affirmations in the Words or to the Effect herein mentioned, and such Chairman shall or may immediately afterwards administer the like Oaths or Affirmations to the other Commissioners then present; and at every other Meeting to be held in pursuance of this Act a Chairman shall or may in like Manner be appointed, and the Chairman for the Time being, or any one of the Commissioners, shall and he is hereby authorized and required to administer, at any General or Special Meeting (to such of the Commissioners as shall not have taken the Oaths or Affirmations before), the Oaths or Affirmations hereby required to be taken by the said Commissioners; and in all Cases where there shall arise at any Meeting a Difference of Opinion upon any Question, the Question shall be decided by a Majority of Votes of the Commissioners then present, and if upon any Question there shall be an equal Number of Votes (including the Chairman's Vote), then the Chairman shall have and give another or the casting Vote; and no Order, Rule, Resolution, or Proceeding, had, made, or done at any Meeting held in pursuance of this Act, at which there shall have been Seven or more Commissioners present, shall be revoked, suspended, or altered or extended, unless at some subsequent Special Meeting to be held for that Purpose (which any Five or more of the Commissioners, or their Clerk or Clerks, at the Request in Writing of any Five or more of the Commissioners, are and is hereby empowered to call, and of which Seven Days previous Notice at the least of the Time, Place, and Purpose shall be given, by affixing Notice upon the Doors of the Parish Church, and the Churches or Chapels of *Saint James* and *Saint Mary*, and by Placards posted in the Streets of the said Town) a greater Number of Commissioners than were present at the Meeting or Meetings at which such Order, Rule, Resolution, or Proceeding, proposed or intended to be revoked, suspended, or altered, shall have been made, shall be present, and shall concur in the Revocation, Suspension, or Alteration thereof; and at every Meeting to be held under or by virtue of this Act the Commissioners present shall defray their own Expences.

Special Meetings of the Commissioners.

VI. Provided nevertheless, and be it further enacted, That if it shall at any Time be thought necessary to hold a Meeting before the Time at which a Meeting is hereby required to be held, or shall be so as aforesaid appointed to be held, then and in such Case it shall be lawful for the said Commissioners, or any Seven or more of them, or for their Clerk or Clerks, at the Request in Writing of any Three or more of the Commissioners, or for any Three or more of the Commissioners, and they or he are and is hereby required to call a Special Meeting, of which Seven Days previous Notice shall be given, in the same Manner as is herein-before mentioned in the Case and for the Purpose of calling a Meeting to revoke, suspend, or alter a former Order, Rule, or Proceeding.

VII. And

VII. And be it further enacted, That the Clerk or Clerks to the said Commissioners shall cause fair and regular Entries to be made, in a Book or Books to be kept for that Purpose, of all the Acts, Orders, and Proceedings of the said Commissioners relative to the Execution of this Act; and the Chairman of every Meeting, and the Clerk or Clerks to the Commissioners, shall always subscribe their Names at the End of the said Proceedings; and the said Clerk or Clerks shall enter in the said Book or Books the Names of at least Nine of the Commissioners who are actually present at any such Meeting; and all Entries in such Book or Books, being signed as aforesaid, shall be deemed Originals, and shall be admitted in Evidence in all Courts and upon all Occasions whatsoever; and at any of their Meetings such Book or Books shall be open to the Inspection of all and every the said Commissioners, and all and every other Person and Persons rated and assessed for the Purposes of this Act; and any of the said Commissioners, and all and every Person and Persons rated and assessed for the Purposes of this Act, and all Creditors on the Rates hereby authorized to be made, or any of them, shall at all seasonable Times be permitted to have Copies of any of the Entries in such Books, paying for such Copies after the Rate of Sixpence for every One hundred Words.

Proceedings,
to be entered
in Books.

VIII. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time and at all Times to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which any 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 Creditor or Creditors on the Rates or Assessments granted by this Act, without Fee or Reward; and the said Commissioners and Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners, or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner herein-after mentioned.

Accounts to
be kept of
Receipts and
Disburse-
ments.

IX. And be it further enacted, That a Meeting of the said Commissioners shall be held on the First *Wednesday* in the Month of *May* yearly, at the Place herein-before mentioned, or to be appointed as aforesaid, at which the Accounts of all Monies received and paid from Time to Time by virtue or in execution of this Act, by any Person or Persons whomsoever, shall be produced, and stated to and examined and settled by the said Commissioners; and the said Commissioners shall, immediately after such Accounts and Statements have been examined and settled cause a sufficient Number of Copies of such Statements to be printed, and shall direct their Clerk to transmit a Copy thereof to each Commissioner who shall have taken or made and subscribed the Oaths or Affirmations herein-before required to be taken or made and subscribed by the said Commissioners, and a Copy thereof posted in such conspicuous Places in the said Town as the said Commissioners shall direct.

Annual Meet-
ing for audit-
ing Accounts,
&c.

Accounts to
be printed.

Commissioners may appoint Officers.

Security.

X. And be it further enacted, That it shall be lawful for the said Commissioners at any of their Meetings from Time to Time to nominate and appoint One or more Clerk or Clerks, Treasurer or Treasurers, Collector or Collectors of the Rates herein-after mentioned, and such other Officers as the said Commissioners shall think necessary for the Execution of this Act; and the said Commissioners shall and they are hereby required to take sufficient Security from every such Treasurer for the due and faithful Execution of his Office, and may also take such Security from such other Officer or Officers as they shall think fit, for the due Execution of their respective Offices, as they shall think proper; and it shall be lawful for the said Commissioners from Time to Time to remove any of such Officers, and to appoint another or others in the Room of any of them who shall be so removed, or who shall die, or decline such Offices, or become incapable of acting therein; and also, out of the Monies to be raised as herein-after mentioned, to make and pay such Salaries or other Allowances to the said Officers respectively, and also to such other Person or Persons as shall be aiding and assisting to the said Commissioners in the Execution of this Act, as to the said Commissioners shall seem reasonable; provided that on the Removal, Death, or Resignation of every Clerk, Treasurer, Surveyor, or Collector, Notice be previously given of the Time and Place of Meeting for the Purpose of filling up the Vacancy or Vacancies thereby occasioned, by Notice affixed on the Doors of the Churches aforesaid, and in any other Manner the Commissioners may order and direct, at least Ten Days before the Election and Appointment of every such Clerk, Treasurer, and Collector as aforesaid.

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

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person or Persons who may be appointed to act as their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or any Person in the Service or Employ of any such Clerk or Clerks, or either of them, or the Clerk or any Person in the Service or Employ of the Partner or Partners of any such Clerk or Clerks, or either of them, to be the Treasurer or Treasurers for the Purposes of this Act, or to appoint the Person or Persons who may be appointed Treasurer or Treasurers, or the Partner of any such Treasurer or Treasurers, or the Clerk or any Person in the Service or Employ of any such Treasurer or Treasurers, or either of them, or the Clerk or any Person in the Service or Employ of the Partner or Partners of any such Treasurer or Treasurers, or either of them, to be the Clerk or Clerks of the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk or Clerks, or the Clerk or any Person in the Service or Employ of any such Clerk or Clerks, or either of them, or the Clerk or any Person in the Service or Employ of the Partner or Partners of any such Clerk or Clerks, or either of them, shall act as Treasurer, or being the Partner of any such Treasurer or Treasurers, or the Clerk or any Person in the Service or Employ of any such Treasurer or Treasurers, or either of them, or the Clerk or any Person in the Service or Employ of the Partner or Partners of any such Treasurer or Treasurers, or either of them, 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 Person so offending shall for every such

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*, or Court of Common Pleas at *Lancaster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance, shall be allowed.

XII. And be it further enacted, That if any Clerk, Treasurer, Surveyor, or Collector, or other Officer employed by the said Commissioners for the Purposes of this Act, shall exact, demand, take, or accept, any Fee, Emolument, or Reward whatsoever (other than such Salary or Allowance as shall be appointed and allowed by the said Commissioners), for or on account of any thing done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Commissioners, or on any other Account whatsoever relative to his Employment or Duty, or shall be concerned or interested in any Bargain or Contract made by the said Commissioners for the Purposes of this Act (unless with the Consent and Approbation of the said Commissioners), every such Person so offending shall be incapable of afterwards serving or being employed under the said Commissioners, and shall forfeit and pay the Sum of Twenty Pounds for every such Offence, to any Person or Persons who shall sue for the same, by any Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, or Court of Common Pleas at *Lancaster*, within Six Calendar Months after the Offence committed, with full Costs of Suit, in which Suit or Prosecution no Essoign, Protection, or Wager of Law, nor more than One Imparance, shall be allowed.

Penalty on Officers taking Fees, or being concerned in Contracts.

XIII. And be it further enacted, That all such Officers and Persons so appointed or to be appointed as aforesaid shall, under their Hands, at such Time or Times and in such Manner as the said Commissioners shall direct, deliver to such 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 by virtue of this Act, and also of all the Monies which shall have been received by such Officer or Officers, or other Person or Persons respectively, by virtue of and for the Purposes of this Act, and how much thereof hath been paid and disbursed by Order of the said Commissioners, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands to the said Commissioners, or to such Person or Persons as they shall appoint; and if any such Officer or Person shall not make and render such Account, or produce and deliver up the Vouchers relating to the same, or make Payment as aforesaid, or shall not deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within One Calendar Month after being thereunto required by the said Commissioners, all Books, Papers, and Writings in his Custody or Power relating to the Execution of their respective Offices, Trusts, and Duties, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands to the said Commissioners, or as they shall direct or appoint, then and in any of the Cases aforesaid such Commissioners may, and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the

Officers to account.

the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively; or if Complaint be made by the said Commissioners, or by any Person or Persons by them appointed, of any such Neglect or Refusal, to any Justice of the Peace, such Justice may and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to cause such Officer or Officers, Person or Persons, so refusing or neglecting, to be brought before him, and upon his, her, or their appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, or being One of the People called *Quakers*, upon Affirmation, (which Oath or Affirmation such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies which shall have been collected and raised by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants 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 Officers, Person or Persons respectively, together with the Costs and Charges of such Distress and Sale, to be settled and ascertained by such Justice, and which he is hereby authorized and empowered to settle and ascertain, rendering the Overplus (if any) to the Party or Parties so distrained, or leaving the same at the Place where the Distress shall be made; and if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found, sufficient to answer and satisfy the said Money, and the Charges of selling the Goods and Chattels so distrained, then and in either of the Cases aforesaid such Justice shall commit every such Offender to the Common Gaol of the County, or House of Correction for the Hundred of *Salford*, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners, or any Five or more of them, are hereby empowered to make), or until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners; and after such Accounts shall have been delivered in by such Collector or Collectors in manner as aforesaid, the same shall be respectively settled, and a general Balance struck by the said Commissioners on every First *Tuesday* in the Month of *June* from Year to Year; and such Accounts shall lie open at the Office of the Clerk or Clerks, Treasurer or Treasurers appointed by the said Commissioners, or such other convenient Place as the said Commissioners or any Five or more of them shall direct, for the Inspection of any Person or Persons interested in the same, every Day (except *Sunday*) between the Hours of Nine and Four of the Clock, for the Space of One Week before the same shall be signed by the Commissioners; and after such Accounts shall have been signed, the same shall be final and conclusive in all respects whatsoever, unless an Appeal shall be prosecuted against such Accounts at the next General or Quarter Sessions of the Peace to be holden in and for the County of *Lancaster*, and Notice thereof given in Writing to the Clerk or Clerks to the said Commissioners before such Accounts have been signed: Provided always,

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

XIV. And be it further enacted, That in case of the Death of any such Officer or other Person to be appointed as aforesaid, or of his becoming Bankrupt before he shall have delivered up all Books, Papers, Writings, and other Things concerning the Office or relating to the Execution of this Act, then and in every such Case the Executors or Administrators of such respective Officer or other Person, or the Assignees of his Estate and Effects, or other Person possessing the same, or in whom the same have or hath vested, shall deliver up to the said Commissioners, or to any Person appointed by them, all such Books, Papers, Writings, and other Things; and in case of Non-delivery of such Books, Papers, Writings, and Things for the Space of Ten Days after the same shall be demanded, it shall be lawful for the said Commissioners to commence and prosecute any Action or Actions, Suit or Suits, in any of His Majesty's Courts of Record at *Westminster*, or Court of Common Pleas at *Lancaster*, against such Executor, Administrator, Assignee, or other Person or Persons possessing the Estate and Effects which did belong to such deceased Person or Bankrupt, for Recovery of Damages in lieu of such Books, Papers, Writings, and Things, together with full Costs of Suit.

For recovering Books, &c. from Executors or Assignees of Officers dying or becoming Bankrupt.

XV. And be it further enacted, That the said Commissioners shall and may sue and be sued, and otherwise proceed or be proceeded against, at Law or otherwise, in the Name or Names of any One of the said Commissioners, or of their Clerk for the Time being; and that all Actions or Suits which it may be necessary to bring for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act, or for or in respect of any Matter or Thing relating to this Act, shall be brought and prosecuted in the Name or Names of One of the said Commissioners, or of their said Clerk for the Time being; and that no Action or Actions which may be brought, commenced, or prosecuted by or against the said Commissioners or any of them, by virtue or on account of this Act, in the Name or Names of One of the said Commissioners or of their Clerk, shall abate or be discontinued by the Death or Removal of such Commissioner or Clerk or either of them, or by the Act or Default of such Commissioner or Clerk or either of them, done or suffered without the Direction or Consent of Five or more of the said Commissioners for the Time being, but One of the said Commissioners, or the Clerk of the said Commissioners for the Time being, shall always be deemed Plaintiff or Plaintiffs, Defendant or Defendants (as the Case may be) in such Actions or Suits: Provided always, that every such Commissioner or Clerk, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such reasonable Costs, Charges, and Expences as he or they shall sustain, be put unto, or become chargeable with, by reason of his being so made Plaintiff or Plaintiffs, Defendant or Defendants therein, and such Commissioner or Clerk shall not be personally answerable or liable for the Payment of the same, or of any Part thereof, unless such Action or Suit shall arise in consequence of his own Neglect or Default, and unless it should have been brought or

May sue and be sued.

defended without the Order or Direction of Five or more of the said Commissioners assembled at a Meeting under this Act.

Provision for lighting the Streets.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered from Time to Time, and at any Time or Times hereafter, to purchase and provide such and so many Glass Lamps, of such Sorts and Sizes, and also such and so many Lamp Irons and Lamp Posts as they shall judge necessary, and to direct the same to be affixed or set up upon or against the Walls or Palisadoes of all or any of the several Houses or Buildings, or upon or against any other Walls, or in or upon such other Places within the said Town of *Rochdale*, and to be altered, taken down, or renewed; in such Manner as they shall think fit; and to cause such Lamps or any of them to be lighted, either with Gas, Oil, or otherwise, at such Times and Seasons of the Year, and on such Evenings, and on such Hours of the Evening, and to be kept burning for so many Hours as to them shall seem necessary or proper for the well and sufficiently lighting of all or any of the said Streets, Squares, Market Places, Lanes, Ways, Paths, and public Passages and Places within the said Town of *Rochdale*.

Power to contract for lighting.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to contract with any Gas Light Company now or hereafter to be established within the said Town, or the Neighbourhood thereof, or with any other Person or Persons, Body or Bodies Politic or Corporate, for lighting the said Town of *Rochdale* with Gas, Oil, or otherwise, for any Term not exceeding One Year, and upon such Terms and Conditions, in all respects, as the said Commissioners shall from Time to Time think proper.

No Pipes to be placed against Houses, &c. without Consent.

XVIII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or any other Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, to carry, lay, or fix, or continue any Pipe or Pipes, or other Thing for the Conveyance of the said Gas or Inflammable Air, into, through, or against any Dwelling House or Houses, or private Buildings, or any private Lands or Hereditaments and Premises, or so to continue the same, without the Consent in Writing of the Owner and Occupier of every such Dwelling House, Building, Lands, Tenements, and Hereditaments respectively, for that Purpose first had and obtained.

Service Pipes to be kept fully charged with Gas.

XIX. And be it further enacted, That the Branch or Service Pipes which shall be put down for lighting the said Streets, Lanes, Entries, and other public 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.

For preventing the Escape of Gas.

XX. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Commissioners, or by any Company or Companies of Proprietors,

or Body or Bodies Politic or Corporate, or any other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall immediately, after Notice given to them or him, by Parol or in Writing, of any such Escape of Gas from any Inhabitant or Inhabitants within the said Limits, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Commissioners, or the Company or Companies of Proprietors, 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 future Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said acting Commissioners, or the Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, 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 any such Notice, during which the Gas shall be suffered to escape as aforesaid; which Penalty or Penalties shall from Time to Time be recoverable in a summary Way, on the Oath of One or more credible Witness or Witnesses, by Information to be laid before any Justice or Justices of the Peace, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the Treasurer of the said Commissioners, or of the Goods and Chattels of the said Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or of the other Person or Persons as aforesaid.

XXI. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used by the said Commissioners, or by any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, for the Conveyance of Gas in, under, through, along, across, or round any Street, Lane, Entry, or other Passage or Place within the said Town, 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, Lanes, Entries, 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 said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate,

Gas Pipes to be laid at least Four Feet from Water Pipes.

Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall in no Case join Two or more Gas Pipes 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.

Commissioners, &c. to prevent Contamination of Water.

XXII. And be it further enacted, That whenever the Water of any Company of Proprietors, or other Owners or Proprietors of any Waterworks within the said Town, or the Water in any Well or Pond belonging to or used by any Party or Person whomsoever, shall be contaminated or affected by the Gas of the said Commissioners, or of any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street, Highway or Place, or any House, Manufactory, or other Building therein, the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, 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, Well, or Pond, or the Party or Person using any such Water, and suing for such Penalty; 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, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, 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, Well, or Pond, or by any Party or Person interested in or using any such Water, to be left at the usual Office or Place of transacting Business of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or at the last or usual Place of Abode of such other Party or Person 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, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, 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

such Case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any One of the Directors for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or to the Party or Person interested in or using any such Water, and complaining as aforesaid, for the Use and Benefit of the same Proprietors or Owners, or Party or Person, 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 as aforesaid; 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 other the Owners or Proprietors of any Waterworks, or by and in the Name of any One or more of the Directors of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, at the Option of the Parties prosecuting such Information, or in the Name of the Party or Person interested in or using any such Water, and complaining as aforesaid, against the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, before any Justice of the Peace, 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, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, 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, for the Use of the same Owners or Proprietors, or to the Party or Person interested in or using any such Water, and informing or complaining as aforesaid.

XXIII. 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 Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town 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 to and for the said Company, or other 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, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, 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, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, 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

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Commissioners,

For ascertaining if the Water is contaminated.

Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, 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, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, 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 from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, then and in such Case the said Company, or other the Owners or Proprietors of any Waterworks, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, 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, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, 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 for conveying Washings into any Sewer, Stream, &c.

XXIV. Provided always, and be it further enacted, That if the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow; any Washings or other waste Liquids, Substances, or Things whatsoever, which shall arise or be made in the making of such Gas, into any River, Brook, or running Stream, Reservoir, Aqueduct, Feeder, Pond, or Springhead, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, whereby the said Water, or any Part thereof, shall or may be soiled, fouled, or corrupted; then and in every such Case the said acting Commissioners, or such Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, and such Penalty and Forfeiture shall and may be sued for and recovered, together 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, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, or more than one Imparance, shall be allowed; and such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the

same is sued for within Twelve Calendar Months after the Time when such Annoyance, Act, and Thing shall have ceased; provided also, that in addition to the said Penalty of Two hundred Pounds, (and whether such Penalty shall or shall not be recovered); in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Aqueduct, Waterway, 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 shall have been given by any Person or Persons whomsoever to the said Commissioners, or any of them, or to the Company or Companies of Proprietors, or any of them, or to the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, and the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not within Twenty-four Hours after such Notice given stop and prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Thing, from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act done or committed.

XXV. 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 Commissioners, or any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or any Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, or any of the Servants or Officers or Workmen of the said Commissioners, or of any such Company or Companies of Proprietors, 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 the said Gas, or 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.

XXVI. And

Penalty on
damaging
Pipes.

XXVI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously remove, destroy, damage, or injure any or any Part of any Pipe, Plug, or other Apparatus, Matter, or Thing belonging to the said Commissioners, or to any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, or shall wilfully or maliciously waste, or beyond his, her, or their Contract consume, any of the Inflammable Air or Gas supplied by the said Commissioners, Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons, every Person so offending in any of the respective 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, shall forfeit and pay to the said Commissioners, or to the Party or Person injured, any Sum not exceeding Five Pounds, and Three Times the Amount of the Damage done or occasioned by such Conduct, the same 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, returning the Overplus (if any) on Demand to the Owner of such Goods and Chattels, or such Offender shall or may be committed to the Common Gaol or House of Correction of the said County, as the Case may require, there to remain for any Time not exceeding Six Calendar Months.

Property of
Lamps, &c.
vested in
Commissioners.

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

without stating or specifying the Names of all or any of the said Commissioners ; and the said Commissioners shall have full Power and Authority from Time to Time to sell, by public Auction or otherwise, all or any Part of the said Materials and Things which shall not be wanted for the Purposes of this Act, and the Money arising therefrom shall be applied to the Purposes of this Act.

XXVIII. And be it further enacted, That if any Person or Persons whomsoever shall wilfully or maliciously break, throw down, or otherwise deface or damage any Lamp or Lamps already set up, or that shall be set up by virtue of this Act, by Order of the said Commissioners, or in pursuance of any Contract made by the said Commissioners, or by any Person or Persons at his, her, or their own Expence, for the Purpose of lighting any Part of the said Town, or any Post, Pillar, Pilaster, Lamp Iron, Cover, or other Furniture thereof, or shall wilfully extinguish the Light or Lights of any such Lamp or Lamps, it shall be lawful for any Justice or Justices of the Peace, and he and they is and they are hereby required, upon Oath made (or upon Affirmation if made by a Quaker) of the Commission of such Offence, to issue a Warrant for apprehending the Party or Parties accused ; or it shall be lawful for any Person or Persons, who shall see such Offence committed, to apprehend, and for any other Person or Persons to assist in apprehending the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice, or Justices of the Peace for the said County ; and upon the Party or Parties accused being brought before such Justice or Justices, such Justice or Justices shall proceed to examine upon Oath (or being a Quaker, upon Affirmation) any Witness or Witnesses who shall appear to give Evidence touching such Offence or Offences ; and if the Party or Parties so accused shall be convicted of such Offence or Offences, either upon Confession, or upon such Evidence as aforesaid, then and in every such Case every Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds ; and the Offender or Offenders shall also make full Satisfaction to the said Commissioners for the Damages so done ; and in case such Offender shall not upon such Conviction pay such Forfeiture or Forfeitures by him or her incurred as aforesaid, and make such Satisfaction as aforesaid, the Justice or Justices before whom such Offender shall be convicted is and are hereby empowered to commit him or her to the Common Gaol of the County, or House of Correction for the Hundred of *Salford*, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months.

Penalty for wilfully breaking of Lamps, &c.

XXIX. And be it further enacted, That if any Person or Persons shall carelessly or accidentally break, throw down, or damage any of the said Lamps already or hereafter to be hung or set up as aforesaid, or the Irons or other Furniture thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in every such Case it shall be lawful for any One or more of the Justices of the Peace, upon Complaint thereof to him or them made by One or more credible Person or Persons, to summon before such Justice or Justices the Party or Parties who shall be complained of for doing such Damage as aforesaid ; and upon hearing the Allegations and Proofs on both Sides, or

Damages to be paid for Lamps broken accidentally.

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Non-appearance of the Party or Parties so complained of, to award such Sum or Sums of Money as the Damage to be proved shall amount unto; and in case of Refusal or Neglect to pay any of the Sums of Money so awarded within Five Days after Demand, to cause the same to be recovered in such Manner as Fines, Penalties, and Forfeitures are by this Act directed to be recovered.

Power to
Commissioners
to employ
Watchmen.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered and required, from Time to Time, when and as often as they shall think it expedient, to provide and set up Watch-houses and Watch-boxes in such Situations as they shall judge proper and expedient, in any of the Streets, Squares, Lanes, Ways, Paths, and public Passages and Places in the said Town of *Rochdale*, and Watch-boxes only in the Market Places in the said Town of *Rochdale*; and to appoint and employ such and so many able-bodied Watchmen, Night Patrols, and Beadles, as they shall judge expedient and necessary to be employed for the Security and good Order of the said Town; and such Watchmen, Night Patrols, and Beadles from Time to Time to remove and displace, and to appoint others in their stead; and also to order and direct how many of the said Watchmen, Night Patrols, and Beadles shall attend nightly within the said Town, and how such Watchmen, Night Patrols, and Beadles shall be armed, and at which Stations they shall be placed, for what Number of Hours they shall watch, and how often they shall go their Rounds; and also to fix and determine what Wages or other Allowance shall be paid or given to them for their Services; and the said Commissioners are hereby empowered to make such further Orders and Regulations from Time to Time, for the better Government and Direction of the said Watchmen, Night Patrols, and Beadles, as the Nature of their Services shall appear to them to require; and a Copy or Transcript of all such Orders and Regulations shall be delivered to each of the said Watchmen, Night Patrols, and Beadles.

Power to
appoint Chief
Constable.

XXXI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, in their Discretion, to nominate and appoint One or more standing Chief Constable or Constables for the said Town, for promoting the good Order thereof, and from Time to Time to discharge and replace him or them so appointed, and make other Nominations and Appointments as they see fit, and to pay such Salary and Salaries for the due Execution of the Duty they are required to perform as shall be fixed upon and allowed by a Majority of the Commissioners present at any General Meeting directed to be held in pursuance of this Act.

Watchmen,
&c. to be
sworn in
Special Con-
stables.

XXXII. And be it further enacted, That all such Watchmen, Night Patrols, Beadles, and standing Chief Constable and Constables to be appointed as herein-before mentioned, shall be sworn in as Constables before any Justice or Justices of the Peace, and act as such while in the Execution of the Powers and Authorities of this Act; and they are hereby severally 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 or enjoy by Law; and such Justice or Justices is and are hereby required and authorized and empowered to administer

nister to them respectively such Oath or Oaths as aforesaid, when applied to for that Purpose.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to appoint a Committee or Committees of such and so many of the said Commissioners, for the Purpose of managing, regulating, suspending, and appointing Watchmen and Night Patrols, as Occasion may from Time to Time require, between the Times of holding the Meetings of the said Commissioners; and that it shall and may be lawful for such Committee to provide for the occasional Absence of any Watchmen or Night Patrol, and for allowing any such Watchmen or Night Patrol to provide or procure any approved Substitute for any limited Time as the said Committee (subject as aforesaid) shall from Time to Time think proper; and every such Substitute shall be subject to the same Provisions and Regulations as if he had been a Watchman or Night Patrol regularly appointed, and shall have the same Protection in the Exercise of his Duty.

Power to appoint Committees for regulating Watchmen and Night Patrols.

XXXIV. And be it further enacted, That the said Watchmen, Night Patrols, and Beadles shall in their several Courses of Service use their utmost Endeavours, not only to prevent Fires, but also to keep Watch and Ward within the said Town, and to prevent Murders, Burglaries, Felonies, and other Outrages, Disorders, and Breaches of the Peace; and to that End the said Watchmen, Night Patrols, and Beadles respectively, shall and may and they are hereby empowered and required to arrest and apprehend all Night-walkers, Felons, Malefactors, Vagrants, Beggars, Disturbers of the Peace, and all disorderly and suspected Persons, who shall be found misbehaving or wandering within the said Town, and to lodge them in the Lock-up House, Watch-house, or other Place of Security within the said Town which shall be provided or appointed for that Purpose by the said Commissioners, to be there safely kept and detained until they can conveniently be carried before some Justice of the Peace, to be examined and dealt with according to Law; and the said Beadles shall, as often in every Night as shall be ordered by the said Commissioners, go about their respective Districts and Rounds, to take Notice whether all the Watchmen and Night Patrols perform their Duty in their several Stations, according to such Orders and Regulations as shall be made and provided by the said Commissioners; and in case any Watchman or Night Patrol shall misbehave himself or neglect his Duty, the said Beadles shall, as soon as conveniently may be, give Notice thereof to the Committee for the Time being appointed by the said Commissioners for managing and regulating Watchmen and Night Patrols, and such Committee is and are hereby authorized to suspend such Watchman or Night Patrol from the Execution of his Office, and to appoint another Person to officiate therein, until the next Meeting of the Commissioners, when the said Committee shall acquaint the Commissioners assembled at such Meeting with the Complaint against such Watchman or Night Patrol, in order that the said Commissioners may proceed to the Examination of the said Offence or Charge.

Duties of Watchmen, &c.

XXXV. And be it further enacted, That it shall and may be lawful for such Beadles and they are hereby required to patrol the Streets within the

Duty of Beadles.

the said Town of *Rochdale* on every *Sunday* or Market Day in the Day-time, during such Hours as the said Commissioners shall appoint, and to apprehend and secure, in the Place or Places of Security to be for such Purposes appointed by the said Commissioners, and all disorderly Person and Persons found loitering in Groups in the Streets to the Annoyance and Obstruction of Passengers, Persons playing at Pitch and Toss or any other Game in the Streets or other public Places, Persons setting Dogs to fight or abetting and encouraging any Dog-fight, or by any other Means disturbing the good Order and public Peace of the said Town, and to take or conduct all such Persons, as soon as conveniently may be, before some Justice of the Peace; and it shall and may be lawful for such Justice to order any Person so brought before him to pay any Penalty, not exceeding the Sum of Ten Shillings, as such Justice in his Discretion shall think fit, and upon Nonpayment thereof to commit such Person to the House of Correction for any Time not exceeding Six Days, from whence such Person shall not be sooner liberated except upon Payment of the Penalty so ordered by such Justice to be paid.

Penalty on Watchmen, &c. for Neglect of Duty.

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

Watchmen guilty of Misconduct liable to be prosecuted and punished.

XXXVII. And be it further enacted, That in case any Watchman, Night Patrol, or Beadle to be appointed by virtue of this Act shall be guilty of any Neglect or Misconduct in the Execution of his Duty, it shall and may be lawful to and for any Two Justices of the Peace, upon Complaint against any such Watchman, Night Patrol, or Beadle of any such Neglect or Misconduct, to commit any such Watchman, Night Patrol, or Beadle to the House of Correction for any Time not exceeding Three Calendar Months.

Power to reward disabled Watchmen, &c.

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

XXXIX. And

XXXIX. And be it further enacted, That if any Person shall obstruct or assault any Watchman, Night Patrol, or Beadle to be employed or appointed by virtue hereof, in the Execution of his Duty, every Person so offending, upon being thereof convicted before One or more Justice or Justices of the Peace, shall be liable to a Penalty, at the Discretion of the said Justices, not exceeding Ten Pounds, or such Justice or Justices may commit any such Persons to the House of Correction for any Time not exceeding Three Calendar Months.

Penalty on
Persons
assaulting
Watchmen,
&c.;

XL. And be it further enacted, That if any Victualler or Keeper of any Public House shall knowingly harbour or entertain, or suffer to remain in his or her Public House any such Watchman or Night Patrol as aforesaid, during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper shall on Conviction forfeit and pay for the First Offence any Sum not exceeding Twenty Shillings, and for the Second and every other Offence of the same Kind any Sum not exceeding Five Pounds.

and on
Publicans
harbouring
them during
the Time they
should be on
Duty.

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

Streets may
be watered.

XLII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required, from Time to Time to appoint and employ any proper Person or Persons to be and act as a Scavenger or Scavengers, and to purchase or hire any Cart or Carts or other Carriage or Carriages, and also any Horse or Horses, for cleansing the Streets, Squares, Lanes, Footpaths, Causeways, and public Passages and Places within the said Town, and for carrying all Dirt, Dung, Dust, Cinders, Ashes, Rubbish, Filth, and Soil away from the same, and from Time to Time to order and direct on what Days and at what Times in every Week the particular Street, Squares, Lanes, Footpaths, Causeways, and public Passages and Places within the said Town shall be cleansed, and the Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil carried away therefrom, and how and in what Manner the same shall be carried away, and where the same shall be deposited, and to give such other Orders and Directions to any such Scavenger or Scavengers as shall appear necessary to such Commissioners; or otherwise it shall be lawful for the said Commissioners from Time to Time to contract with any Person or Persons willing to act as such Scavenger or Scavengers, for the cleansing of the said Streets, Squares, Lanes, Footpaths, Causeways, and public Passages and Places within the said Town, and for carrying all Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil away from the same, at such Times and in such Manner as shall appear expedient to the said Commissioners.

Commission-
ers to appoint
or contract
with Scaven-
gers.

XLIII. And be it further enacted, That the Person or Persons employed by or contracting with the said Commissioners for cleansing the several Streets, Squares, Lanes, Paths, and public Passages and Places within the said Town, or the Person or Persons employed by or acting under the Directions of such Person or Persons so contracting with the said

Scavengers
Duty.

[Local.]

39 B

Commissioners,

Commissioners, shall, on such Days and at such Times as the said Commissioners shall from Time to Time appoint, sweep and collect together all Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil, in such Streets, Lanes, Squares, Paths, public Passages, Footways, Causeways, and Places within the said Town, and shall also bring or cause to be brought a Cart or other proper Carriage into such Streets, Squares, Lanes, Paths, and public Passages and Places within the said Town where such Cart or other Carriage can pass, and shall at his or their Approach with such Cart or other Carriage and not before, by Sound of Bell, Voice, or otherwise, give Notice to the Inhabitants of his or their coming, and give the like Notice in every Passage or Place into which such Cart or Carriage cannot pass; and such Person or Persons employed by or contracting with the said Commissioners shall immediately take the Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil (except Filth from any Privy or Necessary House), from the respective Premises in such Streets, Squares, Lanes, Paths, and public Passages, Footways and Places within the said Town, and put the same into such Cart or Carriage; all which Dirt, Dung, Dust, Cinders, Ashes, Rubbish, and Soil (except as aforesaid), as well as all such Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil as shall be swept up and collected together as aforesaid, such Person or Persons shall then immediately, or as soon as may be, carry away or cause to be carried away to the Place or Places appointed by the Commissioners for the depositing the same, upon pain of forfeiting and paying any Sum not exceeding Five Pounds for every Offence or Neglect therein; and the Person or Persons so employed or contracting as aforesaid shall cause the Words "Scavenger's Cart" to be painted in large Roman Letters on the Front or on some conspicuous Part of every Cart or Carriage used for the Purposes aforesaid, on pain of forfeiting and paying a Sum not exceeding Twenty Shillings for every Neglect therein.

Penalty on casting Rubbish in the Streets.

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

Penalty not to extend to Rubbish occasioned by building.

XLV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to subject any Person whomsoever to any Penalty by this Act inflicted for or on account of any Dirt or Rubbish being laid or placed in any such Street, Square, Lane, Path, public Passage or Place as aforesaid, in the course of erecting, pulling down, altering, or repairing any Building or Buildings, so as there be full and sufficient Space, in the Opinion of the said Commissioners

sioners or of their Surveyor of the Highways for the Time being, left in or at the Side of the Street, Square, Lane, Path, public Passage or Place where such Dirt or Rubbish shall lie or be placed, for Carriages to pass and repass, and a sufficient Way be kept clean for Foot Passengers, by the Person or Persons laying or causing such Dirt or Rubbish to be laid or placed, as aforesaid, and so as a sufficient Light be, at his, her, or their own Expence, set and maintained at the Place where such Dirt or Rubbish shall be so laid or placed, from Sunset to Sunrise, to prevent any Accident to Passengers or Cattle, and so as such Dirt or Rubbish be inclosed and fenced about in such Manner and within such Time as the Surveyor of the said Commissioners shall, by any Notice to be by him given to such Person or Persons, direct and appoint, and so as such Dirt or Rubbish be removed at the Expence of the Person or Persons so laying or causing the same to be laid, within such Time as shall be expressed in any Notice to be in like Manner given by the Surveyor of the said Commissioners.

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

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

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

Inhabitants may use their own Ashes, &c.

XLVIII. And be it further enacted, That when any new Streets, or Highways, or Foot Passages already laid out, or hereafter to be laid out

Power to declare Streets public High-
within

ways when made, &c. on Application of the Owners.

within the said Town, shall be well and sufficiently made, soughed, and put in good Order, to the Satisfaction of the said Commissioners, it shall be lawful to and for the said Commissioners, at any Meeting to be duly held by virtue hereof, upon the Application of the Owner or Owners of the Buildings, Lands, and Premises adjoining such Streets, Highways, or Footpaths, or of the greater Part in value of such Owners, to declare such Streets, Highways, or Footways to be public Streets, Highways, or Footways, and by Writing under their Hands directed to the Surveyor or Surveyors of the Highways of the several Townships, Hamlets, Precincts, and Places within the said Town of *Rochdale*, to order such Surveyor or Surveyors respectively to repair and keep in good Condition all such new Streets, Highways, or Footways; and from and after such Declaration made, and Order to the Surveyor or Surveyors for the repairing and keeping in good Condition such new Streets, Highways, and Footways as aforesaid, the same and every of them shall be deemed and taken to be public Highways to all Intents and Purposes, and repaired and kept in repair by the Inhabitants of the Township, Hamlet, Precinct, and Place, in which they are respectively situated as aforesaid: Provided always, that the said Commissioners shall not be empowered to make such Declaration of or concerning any front Streets which shall be of less Width than Twelve Yards in the narrowest Part thereof, or of or concerning any back Streets which shall be of less Width than Seven Yards in the narrowest Part thereof, except such Streets as were actually laid out and begun to be built upon previous to the passing of this Act.

Provided that front Streets are Twelve Yards, and back Streets Seven Yards wide; Exception.

Width of Footways in Streets hereafter to be laid out, regulated according to the Width of the Streets.

XLIX. And be it further enacted, That in all Streets to be hereafter made and laid out at the Expence of the Owner or Owners as aforesaid within the said Town of *Rochdale*, which shall be of greater Width than Six Yards, and shall not exceed the Width of Eight Yards, there shall be made and laid out on each Side of such Streets good and sufficient Footways, of the Width of Three Feet at the least; and that in all Streets to be hereafter made and laid out within the said Town, which shall exceed the Width of Eight Yards, and shall not exceed the Width of Ten Yards, there shall be made and laid out on each Side of such Streets good and sufficient Footways of at least the Width of Five Feet; and that in all such Streets as shall exceed the Width of Ten Yards, and shall not exceed the Width of Twelve Yards, there shall be the like Footways on each Side of the said Streets of the Width of at least Six Feet; and that in all such Streets as shall be of greater Width than Twelve Yards there shall be the like Footways on each Side of such Streets of at least the Width of One-sixth Part of the whole of such Streets.

Width of Streets how to be computed.

L. And be it further enacted, That the Width of the said several Streets shall, with respect to the making of any such Footway as aforesaid, be computed from Side to Side, and without and beyond the Limits of all Areas, Steps, Windows, and other Projections.

Power to place Bars across Streets under Repair.

LI. And be it further enacted, That it shall be lawful for the said Commissioners, during such Time as any of the Streets, Lanes, Highways, Passages, or other public Places within the said Town, shall be under Repair, or during the making or repairing of any Sewers or Drains therein, to cause such and so many Bars, Posts, Rails, and Chains, or other Obstruction or Obstructions, to be fixed, set up, and placed across
or

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

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

Power to set up Posts for guarding Footways.

LIII. And be it further enacted, That from and after any newly-laid out Street, Highway, or Footway shall have been declared by the said Commissioners to be a public Street, Highway, or Footway, pursuant to the Power and Authority given to them in that Behalf by this Act, no Person or Persons shall at any Time take up the Pavement, Flags, or other Materials of such Street, Highway, or Footway, or any Part thereof, or make or cause to be made any Alteration in the Form of any such Street, Highway, or Footway, or the Pavement, Flags, or other Materials thereof, within the said Town, without the Consent and Approbation of the Surveyor or Surveyors of the Highways for the several Townships, Hamlets, Districts, or Places in which the same are situated, had and obtained in Writing under his or their Hands, upon pain that every Person so taking up the said Pavements, Flags, or other Materials, or any Part thereof, or making such Alteration without such Consent and Approbation, shall for every such Offence forfeit the Sum of Forty Shillings; and in case the Person or Persons so taking up any such Pavements, Flags, or other Materials, shall not within Seven Days after Notice by the Surveyor or Surveyors aforesaid, given to or left in Writing at the last or usual Place of Abode of such Person or Persons, cause the same to be reinstated, it shall be lawful for the Surveyor to the said Commissioners to reinstate the same, and the Expence attending the doing whereof shall be borne and paid by the Person or Persons who shall have taken up such Pavement, Flags, or other Materials, the same to be recovered in the like Manner as the Rates or Assessments are by this Act directed to be recovered.

Pavement not to be taken up without Consent of Surveyors.

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

Names of Streets and Numbers of Houses.

[Local.]

39 C

Passages, and public Places, to be marked and numbered with Figures, either on the Door thereof or otherwise, and in such Manner as they shall think most proper for distinguishing the same; and if any Person or Persons shall wilfully destroy, obliterate, deface, remove, or, without the Consent of the said Commissioners for that Purpose first obtained, alter any such Name, Number, or Figures, or any Part thereof, or cause or procure the same to be so done, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Numbers of
Houses to be
renewed.

LV. And be it further enacted, That when any such Number or Figures painted or placed on any House or other Building within the said Town, or on the Door thereof, shall by Accident, Decay, or otherwise be defaced or rubbed out, the Occupier or Occupiers of such House or Building, shall, upon Notice in Writing being given in that Behalf, signed by the Clerk or Surveyor of the said Commissioners, cause the same Number or Figures to be painted or placed on such House or other Building, or on the Door thereof, within Ten Days after such Notice; and in case of Neglect or Refusal to comply with such Order every such Occupier shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings.

Directions
for the
Removal of
Signs, &c.

LVI. And be it further enacted, That the several and respective Occupiers of the Houses and other Buildings situate in the several Streets, Squares, Lanes, Ways, Paths, and public Passages and Places within the said Town of *Rochdale*, and every of them, are hereby authorized and required, at their own respective Costs and Charges, within Thirty Days next after their respectively receiving Notice in Writing from the said Commissioners in that behalf, signed by any Seven or more of the said Commissioners, to cause all Signs, Sign Irons, Sign Posts, Barbers Poles, Stalls, Blocks, Bulks, Shew Boards, Butchers Hooks, Spouts, and Water Pipes, which now or hereafter shall be in anywise affixed or set up against or in front of their respective Houses or other Buildings, and which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances, by reason of their projecting into or encroaching upon, or otherwise endangering or annoying the public Passage along any of the Streets, Squares, Lanes, Ways, Paths, and public Passages and Places within the said Town, to be taken down, removed, and carried away, or otherwise altered or reformed, and to cause the Water from the Roofs, Cornices, and Penthouses of their respective Houses or other Buildings, to be carried down by proper and sufficient Pipes to be fixed to and down the Sides of the same Houses or Buildings, in such Manner as shall be directed by the said Commissioners; and in case the Occupier of any such House or other Building as aforesaid shall neglect or refuse to cause any such Sign, Sign Iron, Sign Post, Barber's Pole, Stall, Block, Bulk, Shew Board, Butchers Hooks, Spout or Water Pipes, which shall be so considered an Annoyance as aforesaid, to be taken down, removed, and carried away, or otherwise altered or reformed, or cause the Water to be carried down from the Roof, Cornice, or Penthouse of any such House or other Building as aforesaid, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done by their Surveyor, or any other Person or

Persons

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

LVII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause all and every or any of the Penthouses, Porches, Sheds, projecting Windows, Palisades, Rails, Posts, Steps, Cellar Windows, Cellar Doors, Hatchways, and other Obstructions and Projections whatsoever, not herein-before particularly specified, which at the Time of passing this Act are already erected, affixed, set up, or laid down against or in front of any Houses or other Buildings whatsoever, in any of the Streets, Squares, Lanes, Ways, Paths, and public Passages or Places within the said Town, and which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances by reason of their projecting into or encroaching upon or otherwise annoying or endangering the public Passage along any of the aforesaid Streets, Squares, Lanes, Ways, Paths, and public Passages or Places, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed, by any Person or Persons acting under their Authority, in such Manner as shall be thought most proper and expedient by the said Commissioners, nevertheless first causing Thirty Days Notice in Writing, under the Hands of Seven or more of the said Commissioners, to be given to the respective Owners and Occupiers of such Houses or other Buildings, of their Intention to take down, fill up, remove, alter, or reform such Obstructions or Projections respectively, and causing as little Damage to be done in the effecting of every such Removal or Alteration as aforesaid, as the Nature of the Case will allow, and also defraying the whole Costs and Charges of executing the same.

For removing
existing Pro-
jections.

LVIII. And be it further enacted, That the several Occupiers of the Houses and other Buildings situate in the several Streets, Squares, Lanes, Ways, Paths, and public Passages and Places within the said Town, and every of them, are hereby authorized and required, at their own respective Costs and Charges, within Thirty Days next after their respectively receiving Notice in Writing from the said Commissioners in that Behalf, signed by any Nine or more of the said Commissioners, to cause all and every the Penthouses, Porches, Sheds, projecting Windows, Palisades, Rails, Posts, Steps, Cellar Windows, Cellar Doors, Hatchways, and other Obstructions and Projections whatsoever, not herein-before particularly specified,

For Removal
of future
Projections.

specified, which shall in future be erected, set up, affixed, or laid down against or in front of their respective Houses or other Buildings, and which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances by reason of their projecting into, or encroaching upon, or otherwise annoying or endangering the public Passage along any of the Streets, Squares, Lanes, Ways, Paths, and public Passages and Places within the said Town, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed, in such Manner as shall be directed by the said Commissioners; and in case the Occupier of any such House or Building as aforesaid shall neglect or refuse to cause any such Penthouse, Porch, Shed, projecting Window, Palisade, Rail, Post, Step, Cellar Window, Cellar Door, Hatchway, or other Obstruction or Projection whatsoever not herein-before particularly specified, which shall in future be so erected, set up, affixed, or laid down against or in front of his or her House or other Building, and which shall be so considered an Annoyance or Nuisance as aforesaid, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done by their Surveyor, or any other Person or Persons acting under their Authority; and the Costs and Charges attending the same, having been ascertained by some Justice or Justices of the Peace, shall and may be recovered from the Occupier of such House or Building in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered, and when so recovered the same shall be paid to the Treasurer of the said Commissioners, to be applied to the general Purposes of this Act; and it shall be lawful for the Occupier of any such House or other Building, being a Tenant at Rack Rent, and having either paid such Costs and Charges in the first Instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his or her Rent, and the Proprietor or Landlord of every such House or other Building so held at Rack Rent is hereby required to allow the same accordingly, except only in Cases where the Encroachment, Obstruction, Annoyance, or Nuisance so removed or altered shall have been originally occasioned by such Occupier, in which Case he or she shall bear the Expence of altering or removing the same.

Cellar
Windows
and Grates
to be secured.

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

Doors and
Gates to open
inwards.

LX. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, Gardens, and Lands within the said Town, and every
of

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

LXI. And be it further enacted, That if any Slaughter-house, Swine-stye, Necessary House, Dunghill or Sewer, or any Dung, Carrion, Offal, Blood, Soil, Filth, or Rubbish, or any other noisome Matter whatsoever, in or near any of the Streets, Squares, Lanes, Ways, Paths, or public Passages or Places within the said Town, shall be considered by any of the Inhabitants within the said Town as a Nuisance or Annoyance, it shall be lawful for the said Commissioners from Time to Time, upon Complaint thereof being made to them by any such Inhabitant or Inhabitants, to inquire into the Matter complained of, and if they shall deem the same to be a Nuisance or Annoyance, then they are hereby required and empowered, by Notice in Writing under the Hands of any Seven or more of them, to order such Nuisance or Annoyance to be removed by the Person or Persons causing or occasioning the same, within such Time as shall be specified in such Notice; and in case the same shall not be removed according to such Notice, the Person or Persons who shall be so ordered to remove the same, and shall neglect so to do, shall forfeit and pay the Sum of Ten Shillings a Day for every Day the same shall continue unremoved after the Expiration of the Time specified in such Notice: Provided always, that it shall be lawful for the several Proprietors or Occupiers of any such Slaughter-houses or Premises, after Receipt of such Notice from the said Commissioners, to give Notice to the said Commissioners, or their Clerk or Treasurer, of his, her, or their Intention to appeal to the Court of General or Quarter Sessions against the Infliction of such Penalty; and if such Proprietors or Occupiers shall enter into Recognizances to prosecute such Appeal in manner required by this Act, then such last-mentioned Penalty

For Removal
of Slaughter-
houses, &c.

[Local.]

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shall

shall not (from and after the Date of such last-mentioned Notice) be levied or recovered before the Determination of such Appeal.

Regulations
as to Night
Soil.

LXII. And be it further enacted, That if any Person or Persons shall begin to empty any Privy, or take or carry away any Night Soil, or bring or place any Cart for removing the same from any House, Building, or Place within the said Town, before the Hour of Ten of the Clock in the Night, or shall continue to remove the same after the Hour of Eight of the Clock in the Morning, or shall at any Time negligently spill or put or cast any Night Soil out of any Cart, Tub, or otherwise, in or over any of the said Streets, Squares, Lanes, Ways, Paths, or public Passages or Places, or in any respect improperly, carelessly, or negligently remove the same, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For punish-
ing Misbe-
haviour in
Drivers of
Carriages.

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

Penalties for
Obstructions
in the Streets.

LXIV. And be it further enacted, That if any Waggon, Cart, Dray, or other Carriage of the like Description, shall be left or suffered to stand or continue with or without Horses in any of the Streets, Squares, Lanes, Ways, Paths, or public Passages or Places within the said Town, except
whilst

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

LXV. Provided always, and be it further enacted, That nothing herein contained shall extend to subject any Person or Persons whomsoever to any Penalty by virtue of this Act for or on account of any Timber, Iron, Stones, Slates, Tiles, Lime, Mortar, or other Articles or Materials for Bricks, building, being laid or placed in any such Street, Square, Lane, Way, Path, or public Passage or Place as aforesaid, in the Course of erecting, pulling down, or altering or repairing any Building or Buildings, so as that there be full and sufficient Space, in the Opinion of the said Commissioners, or of their Surveyor for the Time being, left in or at the Side of the Street, Square, Lane, Way, Path, or public Passage or Place, where such Timber, Iron, Bricks, Stones, Slates, Tiles, Lime, Mortar, or other Materials for building shall lie or be placed, for Carriages to pass and
repass,

Regulations
as to laying
Materials for
building.

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

Penalties for
protecting
Footways.

LXVI. And be it further enacted, That if any Person or Persons whomsoever shall run, draw, or drive any Truck, Wheel, Sledge, Wheelbarrow, Handbarrow or Carriage whatsoever, on any of the Foot Pavements or other Footways in any of the Streets, Squares, Lanes, Ways, Paths, or public Passages or Places within the said Town, except only for the Purpose of crossing the same, or shall roll any Cask thereon, except for the Purpose of crossing the same as aforesaid, or shall drag any Timber or Log of Wood along or upon the same, or shall wilfully ride, lead, or drive any Horse, Mule, Ass, Swine, or other Cattle, upon any Part of the said Footways, or shall leave any Horse or other Beast, either tied or untied, at any House or Door, so as to obstruct any of the said Footways, or shall set, place, hang up, or otherwise expose to sale the Carcase of any Beast, or any Part or Parts thereof, or any Goods, Wares, or Merchandize, or any other Matter or Thing, so as to obstruct or incommode the public Passage over any of the said Footways, then and in every such Case every Person so offending shall for such Offence forfeit and pay the Sum of Twenty Shillings.

Penalty on
sundry
Nuisances.

LXVII. And be it further enacted, That if any Person or Persons whomsoever shall slaughter, singe, scald, or dress any Ox, Cow, Calf, Sheep, Lamb, Swine, or other Cattle, in any of the Streets, Squares, Lanes, Paths, or public Passages or Places within the said Town; or shall cause or permit any Offal, Blood, Filth, or noisome Matter to run or drain from any Slaughter-house, Shambles, Butcher's Shop, Swine-stye, or Dunghill, into any of the said Streets, Squares, Lanes, Ways, Paths, or public Passages or Places, or into any River, Well, Pump, Canal, Pool, Watercourse, or Reservoir, within the said Town; or shall hoop, fire, scald, or cleanse any Tub or Cask therein; or shall empty any of the Contents of any Tub or Cask therein; or shall burn, dress, sweep, or cleanse any Piece or Pieces of Cork therein; or shall use, saw, cut, or bore, or cause to be hewn, sawn, cut, or bored therein any Stone or Timber; or shall make or repair any Coach, Chaise, Waggon, Cart, Dray, Sledge, Wheelbarrow or other Carriage, or any Wheel, or any Part of any such Carriage, in any of the said Streets, Squares, Lanes, Ways, Paths, or public Passages or Places, save and except such Carriages as may want repairing from the happening of any sudden Accident therein; or shall shoe, dress, bleed, or farry any Horse, Beast, or other Cattle therein, except in case of any such sudden Accident as aforesaid; or shall wantonly discharge any Gun, Pistol, or other Fire-arms therein;

or shall make or assist in making any Bonfire therein; or shall set fire to, let off, or throw any Squib, Serpent, Rocket, Cracker, or other Fireworks whatsoever, or run Races, or play at Foot-ball, or any other Game or Games whatsoever, to the Annoyance of any Inhabitant or Inhabitants, or Passenger or Passengers, in any Place within the said Town; or shall slide upon any Pavement or Footway, or occasion any kind of Obstruction or Annoyance in or upon any such Streets, Squares, Lanes, Ways, Paths, public Passages and Places; or shall obstruct, incommode, hinder, or prevent the free Passage of any Footway or Causeway, or prejudice or annoy in any Manner whatsoever any Person or Persons travelling, passing, or going thereon within the said Town; or shall fix any Flower-pot, or Bough Pot or Pots, at any Window or Windows, without sufficiently guarding the same, so as to prevent their being blown or thrown down; or shall wilfully break, aid or abet or assist in wilfully breaking, any Glass or Window Panes or Windows in or belonging to any Dwelling-house or Building; or shall cause any Bull, Bear, or other Animal to be baited with Dogs within the said Town; or shall permit or suffer any Bulldog or Mastiff, or any ferocious Dog of any other Species, to go at large, not being muzzled, within the said Town; or shall permit or suffer any Dog whatsoever to go at large within the said Town after any public Notice given in some One or more Newspaper or Newspapers published or circulated in the said Town of *Rochdale*, or in such other Manner as the said Commissioners shall direct, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of the Existence of Canine Madness; or shall shew or expose any Stallion in or near any public Place within the said Town, except in such Place or Places as shall be appointed for that Purpose by the said Commissioners; or shall commit any other public Nuisance or Annoyance whatsoever within the said Town; then and in every such Case every such Person so offending shall for every such Offence forfeit and pay the Sum of Twenty Shillings.

LXVIII. And be it further enacted, That if any Person or Persons shall wilfully or negligently set fire to, or cause, permit, or suffer the Chimney of any House, Workshop, Outhouse, or other Building in the said Town of *Rochdale* to be on fire, the Person setting fire to the same, or the Owner or Occupier of every such House, Workshop, Outhouse, or other Building, or of any Part or Parts thereof, from whence such Fire shall commence or happen, shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings.

Penalty on firing Chimney.

LXIX. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners to direct any Prosecution or Prosecutions at the Assizes or Quarter Sessions for the said County, for any public Nuisance whatsoever which shall be committed or suffered within the said Town; and to direct and order the Expences of such Prosecution to be paid and borne by and out of the Funds to be raised and provided as herein-after is mentioned.

Commissioners may order Prosecutions for Public Nuisances, and pay the Expence out of the Rates.

LXX. And be it further enacted, That if any Person shall assault or obstruct any Officer or other Person employed in the Execution of this Act, or shall wilfully prevent or hinder the Execution of any of the Powers or Authorities herein mentioned and contained in any Case not herein-

Penalty on Persons obstructing any Person employed in

the Execu-
tion of this
Act.

before specifically provided for, every Person so offending, being thereof convicted by any One of His Majesty's Justices of the Peace, shall forfeit and pay a Sum not exceeding Ten Pounds.

Power to
provide a
Public Office.

LXXI. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time and at all Times hereafter, to provide and maintain a fit and convenient Public Office or Offices within the said Town for holding the Meetings and transacting the Business of the said Commissioners, and for the holding of such other public Meetings and transacting such other public Business relating to the said Town, as the said Commissioners shall from Time to Time direct or allow to be held or transacted therein; and for such Purpose to purchase or hire any Messuages or Buildings, or any Part of any Messuages or Buildings, which shall by the said Commissioners be considered necessary for the Purpose, of and from any Person or Persons who shall be willing to sell or let the same, or otherwise to purchase or hire Ground from any Person or Persons who shall be willing to sell or let the same, and to cause any new Erection or Building to be made upon any Land or Ground which shall be so purchased or hired, and from Time to Time to surrender, give up, sell, or exchange the same, and to purchase or hire any other Messuages or Buildings, or Parts of Messuages or Buildings, or Land or Ground whereon to erect any Building for the Purpose aforesaid; and the said Commissioners, or any Five or more of them, are hereby authorized and empowered to accept and take any Lease or Leases, Conveyance or Conveyances of such Messuages or Buildings, or Parts of Messuages or Buildings, Land or Ground, to them the said Commissioners in Trust for the Purposes aforesaid, and in like manner to make any Assignment or Assignments, Conveyance or Conveyances, of any such Place or Places, Messuages or Buildings, or Parts of Messuages or Buildings, Land or Ground, that they may think proper to sell or exchange as aforesaid; and it shall be lawful for the said Commissioners from Time to Time to make and establish such Rules, Orders, and Provisions for the Use and Management of such public Office or Offices, and for airing, warming, lighting, cleansing, and repairing the same, and to make such Allowance or Allowances to the Keeper or Keepers of the same public Office or Offices, for his, her, or their necessary Attendance and Trouble about the same, as shall from Time to Time appear expedient to the said Commissioners.

Power to
provide Fire
Engines, &c.

LXXII. And be it further enacted, That it shall be lawful for the said Commissioners to contract with any fit Person or Persons from Time to Time to keep the different Fire Engines belonging to the said Town, with the Pipes, Buckets, or other Things belonging thereto, in good working Repair and Order; and it shall also be lawful for the said Commissioners from Time to Time to purchase any new Engine or Engines, Pipes, Buckets, or other Things belonging thereto, which they shall consider necessary for the Use of the said Town, and to pay and defray all Costs and Expences attending the same respectively out of the Rates to be levied and raised by virtue of this Act.

Commis-
sioners may
enter into
Contracts.

LXXIII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to enter into any Contract or Contracts for cleansing the several Streets, Squares, Market Places, Lanes, Ways, Paths, and public Passages and Places within the said Town, as well

well as for lighting the same, and the said Market Places, or any of them, or for doing any other of the Works by this Act authorized to be done, or for furnishing any Materials, Labour, or other necessary Matters and Things whatsoever, for the Performance thereof, or for any other of the Purposes of this Act, with any Person or Persons who shall be willing to undertake and engage in the same; provided always, that no such Contract or Contracts shall be made for a longer Term than One Year from the making thereof; and before any such Contract or Contracts shall be entered into, Ten Days Notice shall be given in One or more Newspaper or Newspapers published or circulated in the said Town, or in any other Way as the Commissioners may from Time to Time agree upon, expressing the Purpose or Purposes of the Contract or Contracts intended to be made, in order that Persons willing to undertake the same may make Proposals to the said Commissioners at a certain Time and Place in such Notice to be specified; and all such Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when the said Works are to be completed, together with the Penalties to be incurred in case of Nonperformance thereof; and the same shall be signed by the said Commissioners, or any Five or more of them, and also by the Person or Persons contracting to perform such Works respectively; and Copies of all such Contracts shall be entered in a Book, to be kept for that Purpose by the Clerk of the said Commissioners.

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

LXXV. And be it further enacted, That nothing in this Act, or in any Deed, Contract, Lease, or other Instrument hereby authorized to be entered into or made by the said Commissioners for executing this Act, or any of them, shall extend to charge the Person or Persons of all or any of the Commissioners executing any such Deed, Contract, Lease, or other Instrument, or the Heirs, Executors, or Administrators of the same Commissioners, or any of them, or their or any of their own proper Lands and Tenements, Goods and Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the same Deed, Contract, Lease, or other Instrument contained on the Part of the same Commissioners or any of them, but the Amount of all Costs, Charges, Damages, and Expences, which shall or may be recovered in any Suit or Suits at Law or in Equity, against them the said Commissioners, or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such last-mentioned Deed, Contract, Lease, or other Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and

Composition
for Breach of
Contracts.

Commission-
ers exempt
from personal
Responsibi-
lity in Con-
tracts, &c.

and Expences which the said Commissioners 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, Contract, Agreement, Lease, or other Instrument therein contained, or any Action or Actions, Suit or Suits, to be brought or prosecuted by or against them or any of them thereupon, shall respectively be paid and discharged by and out of the Monies to be raised or to arise or be received by virtue of this Act.

For widening Passage leading from the old Market Place to a Footpath called The Walk.

LXXVI. And whereas the Footpath at the Bottom of *Yorkshire Street* in *Rochdale*, leading through the old Market Place, is inconvenient and dangerous; be it further enacted, That it shall and may be lawful to and for the said Commissioners to widen a narrow Passage leading from the old Market Place into a Street or Footway called *The Walk*, and to make the same of equal Width with the said Street called *The Walk*, and for that Purpose to pull down and remove Part of a House belonging to *John Vavasour* Esquire, by and with the Consent of the Owner or Owners and Occupiers thereof; and the same Improvement shall be completed within Twelve Months after the Consents of the Owner and Occupier thereto shall have been obtained in Writing; and the Costs and Charges thereof shall be paid by the said Commissioners out of the Rate for Improvements herein-after mentioned.

The Footpath called The Walk to be continued as herein mentioned.

LXXVII. And be it further enacted, That for the greater Accommodation of the said Town the said Commissioners shall and they are hereby authorized and required to continue the said Footpath called *The Walk*, by erecting or causing to be erected a Foot Bridge from the End of the Walk to the opposite Side of the River called *The New Wall*.

Certain Buildings to be purchased for Improvements.

LXXVIII. And whereas the Dwelling House, Shops or Parts of Shops, Steps and Sheds, which are particularly mentioned and described in the Schedule to this Act annexed, situate in the respective Townships of *Spotland* and *Wardleworth*, within the said Town of *Rochdale*, have been and are now deemed and considered great Obstructions to the free and uninterrupted Passage of the Public in the Streets in which they are respectively situated; be it therefore enacted, That for the Purposes of removing such Obstructions, and the improving the Streets or Lanes in which the same are respectively situate, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, from Time to Time to treat, contract, and agree with the several Owners and Occupiers, and all other Persons whomsoever interested therein, for the absolute Purchase of and to purchase the said Dwelling House, Shops or Parts of Shops, Steps, and Sheds, so specified in the said Schedule, or any of them, or any Part or Parts thereof, or of any subsisting Leases, Terms, or Estates or Interests whatsoever therein, at such Price or Prices as shall be agreed upon between the said Commissioners and the Owner or Owners, or Occupier or Occupiers, or other Person whomsoever interested as aforesaid; or if the Commissioners in their Judgment shall not be able to agree on a fair Price or Prices, then such Price or Prices shall be respectively ascertained by the Verdict or Verdicts of a Jury in manner herein-after directed.

Corporate Bodies, &c. empowered to sell.

LXXIX. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Spiritual

Spiritual or Lay, and all Tenants for Life or Years, or in Fee Tail General or Special, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or 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, Femes Covert, or 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 Persons and Person whomsoever, who are or shall be seised or possessed of or interested in any Messuages, Buildings, Lands, Tenements, or Hereditaments in the said Town, or any Right or Interest therein or thereto, which the said Commissioners shall consider proper and necessary to be purchased, taken, or used for the Purposes of this Act, to contract and agree with the said Commissioners for the absolute Sale thereof, or of any Part or Parts thereof respectively, and to sell and convey the same, or any Part or Parts thereof respectively, and all the Estate, Right, Title, and Interest whatsoever of, in, and to the same, unto the said Commissioners, or to such Person or Persons, and his, her, or their Heirs for ever, as the said Commissioners shall direct, in trust for them the said Commissioners for any of the Purposes aforesaid; and also to contract and agree with the said Commissioners for the Compensation or Satisfaction to be made for the same, or any Part or Parts thereof; 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 Parties so conveying, his, her, and their Heirs, Executors, Administrators, and Successors, but also to convey all the Right, Estate, Interest, Trust, Use, Property, Possession, Claim, and Demand whatsoever of their several and respective Cestuique Trusts, and all Persons whomsoever claiming or having Title to claim by, from, through or under them, and of all Persons entitled in Remainder or Reversion expectant on any particular Estates, and the same shall be deemed and considered to bar all Dower of the Wife or Wives of such Party or Parties, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of the same Party, or Parties claiming under them or any of them respectively; any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Tenants for Life or Years, or in Fee Tail General or Special, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, and Trustees, and all other Persons whomsoever, are and shall be hereby indemnified for what they shall respectively do by virtue and in pursuance of this Act.

LXXX. And be it further enacted, That if any Body or Bodies Politic, Corporate or Collegiate, or Corporation Aggregate or Sole, Spiritual or Lay, or any Tenant or Tenants for Life or Years, or in Fee Tail General or Special, or any Feoffees in Trust, Husbands, Guardians, Committees or Trustees, or any other Owners, Proprietors, or Occupiers, or other Person or Persons whomsoever, either seised, possessed, or interested in

Juries may assess Damages in certain Cases.

[Local.]

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his, her, or their own Right, or on the Behalf of any incapacitated Person or Persons so seised, possessed, or interested of, in, or to any of the Messuages, Buildings, Lands, Tenements, or Hereditaments in the said Town, and mentioned in the Schedule to this Act annexed, marked (A.), or any Part thereof respectively, shall, for the Space of Three Calendar Months next after Notice shall have been given to or left at the last or usual Place or Places of Abode of such Person or Persons, or of the Clerk or Head Officer of any such Body Politic, Corporate or Collegiate, or at the House or Houses of the several Tenants in Possession of the said Premises, signed by the Clerk or Clerks of the said Commissioners, and signifying the Intention of the said Commissioners to contract for the Purchase thereof, neglect or refuse to treat, or shall not agree with the said Commissioners for the Sale of, or for the taking and using any such Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or shall be prevented by Absence or otherwise from treating, or shall decline or refuse to sell, convey, or dispose of the said Premises, or any Part or Parts thereof, or their respective Estates, Rights, Claims, or Interests therein, unto the said Commissioners, or to such Person or Persons as they shall nominate for the Purpose, according to the Intent and Meaning of this Act, or shall not or cannot produce or make out a clear Title to the said Premises, or to their respective Estates, Rights, or Interests which they respectively claim therein, to the Satisfaction of the said Commissioners, or if any Dispute or Difference shall arise touching any of the aforesaid Premises, then and in every such Case it shall be lawful for the said Commissioners to cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the County of *Lancaster*, (which Oaths the said Commissioners, or any One or more of them, are or is hereby empowered to administer) what Damages will be sustained by, and what Recompence and Satisfaction shall be made to the Owners, Proprietors, or Occupiers of the said Messuages, Buildings, Lands, Tenements, Hereditaments, and Premises, or other the Person or Persons interested therein, for or by reason of the same being purchased or taken by the said Commissioners; and in order thereto the said Commissioners, or any Three or more of them, are hereby authorized, empowered, and required from Time to Time to summon and call before them all Persons who shall be thought necessary and proper to be examined as Witnesses before the said Jury upon Oath (which Oath the said Commissioners, or any One or more of them, are or is hereby empowered to administer,) and they shall order and require the said Jury to view the Premises in question, and to use all other lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have ascertained, awarded, and assessed such Damages and Recompence as aforesaid, they the said Commissioners shall thereupon order and determine the Sum or Sums of Money so awarded and assessed by the said Jury to be paid according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, Order and Determination, when so had and made, shall be binding and conclusive, to all Intents and Purposes whatsoever, against all Persons as well absent as present, and whether claiming in Possession, Reversion, Remainder or otherwise; and all and every such Owners, Proprietors, Occupiers, and other Persons anywise interested in the said Premises, shall be thereby and from thenceforth divested, to all Intents and Purposes, of all Right, Title, Claim, Re-
mainders,

mainders, Reversions, Interest, or Property of, in, to, or out of the same.

LXXXI. And be it further enacted, That each and every of the said Jury shall be sworn to ascertain and assess such Recompence and Satisfaction as aforesaid in the Form following, except so far as it may be necessary to change the same for the Purpose of describing the Matter or Thing, Matters or Things, for which the said Recompence or Satisfaction is to be made, ascertained, or given :

Jury to be sworn.

‘ I *A. B.* do swear, [*or affirm, as the Case may be*], That I will well and truly assess and inquire, without any Favour, Partiality, or Affection whatsoever, the Sum which ought to be paid or granted [*as the Case may be*] for and in recompence of [*describing the Premises only, if the Total Value thereof is to be Matter of Inquiry, or if any separate Interest or Interests therein, then say*] the Estate and Interest of *A. B.* [*or the several and respective Estates and Interests of A. B., C. D., and E. F., and each and every of them*] under and by virtue of an Act passed in the Sixth Year of the Reign of King George the Fourth, intituled [*here insert the Title of this Act*]; and that I will give a true Verdict according to the Evidence. ‘ So help me GOD.’

[*Or, being a Quaker, omit the Words ‘So help me God.’*]

LXXXII. And be it further enacted, That for summoning and returning such Jury as aforesaid, the said Commissioners are hereby empowered to issue their Warrant or Warrants, signed by any Three or more of them, to the High Sheriff of the County of *Lancaster*, or if such Sheriff shall be interested in the Matter in question, then to One of the Coroners of the said County not so interested, thereby requiring such Sheriff or Coroner to impanel, summon, and return an indifferent Jury of Twenty-four Persons, to appear before the said Commissioners, or any Seven or more of them, at such Time and Place within the said Town as in such Warrant or Warrants shall be appointed; and such Sheriff or his Deputy, or such Coroner, is hereby required to summon, impanel, and return such Twenty-four Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Commissioners shall swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in default of the Attendance of a sufficient Number of Jurymen, the said Sheriff or his Deputy, or the said Coroner, shall return other indifferent Men of the Standers-by, or who can be speedily procured to attend that Service, so that the Jury may amount to the Number of Twelve; and in case the Jury to be sworn as aforesaid shall return to the said Commissioners that they cannot agree in their Verdict, the said Sheriff or his Deputy, or the said Coroner, is hereby authorized and required, upon receiving any other Warrant or Warrants from the said Commissioners in that Behalf, to impanel, summon, and return another Jury in the Manner and for the Purposes aforesaid: Provided always, that all Persons concerned shall have their lawful Challenges against any of the said Jurymen, in the same Manner as any Party in any Action depending in any of His Majesty’s Courts of Record at *Westminster* is by Law entitled; and the said Commissioners are hereby empowered to impose any reasonable Fine or Fines upon the said Sheriff

For summoning Juries.

or

or his Deputy, or the said Coroner, making any Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury, and who shall not appear (without some sufficient Excuse,) or after having appeared shall refuse to be sworn or affirmed on the said Jury, or having been sworn or affirmed, shall refuse to give or shall not give a Verdict in the Matter in question, or who shall in any other Manner wilfully neglect his or their Duty therein; and also upon any of the Persons who, being summoned or required to give Evidence before the said Jury touching the Premises, shall neglect or refuse to appear (without sufficient Excuse) after having been paid or tendered a reasonable Sum of Money for his or her Expences, or appearing shall refuse to be sworn or to affirm, or to be examined or give Evidence touching the same; but no such Fine shall exceed the Sum of Fifty Pounds on any such Sheriff, Deputy, or Coroner, or the Sum of Five Pounds upon any other Person, for One Offence.

Allowance
to Sheriff
and Jury.

LXXXIII. Provided always, and be it further enacted, That each and every Juryman who shall be sworn for the Purposes of this Act shall for his Trouble and Expences in the Premises be allowed the Sum of Ten Shillings and Sixpence for each Day's Attendance, and no more, notwithstanding such Juryman shall be sworn on several Inquiries and Assessments on the same Day; and that the High Sheriff, for impannelling, summoning, and returning of each Jury, shall be allowed the Sum of One Pound One Shilling, and no more; which said Allowance, in case of any Dispute or Difference, shall be settled and determined by any Two Justices of the Peace for the said County.

Costs of
Juries.

LXXXIV. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered by or on the Behalf of the said Commissioners, as a Recompence or Satisfaction for any such Messuages, Buildings, Lands, Tenements or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, all the Costs and Expences to be incurred in taking such Inquisition, and the Attendance of Witnesses, and recording or entering the Verdict and Judgment thereon, shall be borne by the Surveyors of the Hamlets in which the Premises are situate respectively; and such Costs and Expences shall be settled and determined by some Justice of the Peace for the said County, not interested in the Matter in question, (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed, after summoning the Parties interested therein to attend him for that Purpose); and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Seven Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of such Surveyors, or of any Goods or Chattels of the Treasurer or Treasurers of the said Commissioners (unless such Treasurer or Treasurers shall pay such Costs and Expences out of any Monies received by him or them by virtue of this Act, which he or they is or are hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs
and

and Expences ; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Commissioners, as such Recompence or Satisfaction as aforesaid, all the Costs and Expences to be incurred as aforesaid shall be borne by the Party or Parties refusing or neglecting to treat or agree as before mentioned, or with whom the said Commissioners shall have had any Disagreement or Dispute concerning such Recompence or Satisfaction as aforesaid ; but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Commissioners, the Costs and Expences so incurred shall be borne by the said Surveyors in manner aforesaid ; and in all Cases where any Difference shall arise touching the Amount of such Costs and Expences, the same shall be settled and ascertained by any Justice of the Peace, not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same ; and where the Costs shall be payable by the Party or Parties having had such Disagreement or Dispute with the said Commissioners as aforesaid, the Amount thereof, having been first paid as aforesaid, may be deducted by them out of the Monies awarded to be paid to such Party or Parties, as so much Money advanced for his, her, or their Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties ; or otherwise, if such Costs and Charges be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Commissioners, from the Party or Parties liable to the Payment thereof, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

LXXXV. 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 for the Purposes 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 whatsoever, 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, 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 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

Application of Compensation Money if amounting to 200*l*.

1 G. 4. c. 35.

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 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.

Where less than 200*l.* and amounting to 20*l.*

LXXXVI. 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 Commissioners or any Five 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 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 Five or more of the Commissioners for executing this Act, 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 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.

LXXXVII. 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. Where under 20l.

LXXXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded 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 refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners ; or in case the Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, 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 there, 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 or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the 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 shall pay any such Sum or Sums of Money into the Bank of *England* as aforesaid. In case of not making out a good Title, or if Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Exchequer on Motion or Petition.

LXXXIX. Pro-

In case of
disputed
Titles.

LXXXIX. 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 shewn 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.

Court may
order reason-
ableExpences
to be paid by
Commission-
ers.

XC. 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 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.

Form of
Conveyance.

XCI. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments to be made to the said Commissioners shall be made in the Form or to the Effect following; (that is to say),

‘ I A. B. of _____ in consideration of the Sum of _____
‘ to me paid by the Commissioners acting under or by virtue
‘ of an Act passed in the Sixth Year of the Reign of His Majesty King
‘ George the Fourth, intituled [*here insert the Title of this Act*], do hereby
‘ grant and convey to the said Commissioners all [*here describe the Pre-
‘ mises to be conveyed*], and all my Right, Title, and Interest to and in
‘ the same and every Part thereof; to hold to the said Commissioners,
‘ their Successors and Assigns for ever. In witness whereof I have here-
‘ unto

unto set my Hand and Seal, this Day of in the
Year of our Lord

And every such Sale, Conveyance, and Assurance so made shall be good and effectual to vest the Premises so conveyed in the said Commissioners and their Successors, freed and absolutely acquitted and discharged of and from all Claims, Rights, Interests, Charges, and Incumbrances of all Persons whomsoever, to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

XCII. And be it further enacted, That every Owner, and every Lessee or Tenant for Years or at Will, and every other Person in Possession of any Lands, Buildings, Houses, Tenements, or Hereditaments, which shall be purchased or required by virtue and for the Purposes of this Act, shall deliver up the Possession of such Premises to the said Commissioners, or to such Person or Persons as they shall appoint to take possession of the same, upon having Notice from the said Commissioners, or such Person or Persons so appointed by them, to quit the same at such Time or Times as shall be required by such Notice, they the said Commissioners, or such Person or Persons, making or tendering such Satisfaction and Compensation to every such Tenant or Lessee as aforesaid, in case he or she shall be required to quit before the Expiration of his, her, or their Term in the Premises, as the said Commissioners shall deem just and reasonable; and in case any Dispute or Difference shall arise touching or concerning the same, such Satisfaction and Compensation shall be settled and ascertained by a Jury, in such and the like Manner as the Satisfaction and Compensation to be made by the said Commissioners for the Purchase of any Lands, Tenements, and Hereditaments is and are herein directed to be settled and ascertained in case of any Difference or Dispute about the same; and such Person or Persons in Possession shall, at such Time or Times as he, she, or they shall be required by the said Commissioners, peaceably and quietly deliver up the Possession of the said Premises to the said Commissioners, or to the Person or Persons authorized by them to take possession thereof; and if any such Person or Persons so in Possession as aforesaid shall refuse to deliver up such Possession, then and in every such Case it shall be lawful for the said Commissioners to issue their Precept or Precepts to the Sheriff of the said County of *Lancaster*, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the Issuing and Execution of such Precept or Precepts, upon the Person or Persons so refusing to deliver up Possession as aforesaid, by Distress and Sale of his, her, or their Goods and Chattels.

Power for
Delivery of
Possession of
Property
purchased.

XCIII. And be it further enacted, That all and every Person or Persons who shall have any Mortgage or Mortgages on such Houses, Buildings, Lands, Tenements, or Hereditaments, 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 Commissioners, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Commis-

Mortgages to
be assigned
to the Com-
missioners on
Tender of
Principal and
Interest, to-
gether with
Six Months
Interest on
the Principal
Sum.

[Local.]

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sioners,

sioners, 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 will pay off and discharge the Principal Money and Interest which shall be due on the 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 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 the Purposes of this Act (such Value to be ascertained in manner herein-before directed), then the said Commissioners shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of such Premises, to be determined as aforesaid.

not to be
to be
to be
to be
to be

Houses, &c.
purchased,
may be taken
down, and
Sites thereof
laid into
Highways.

XCIV. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Seven or more of them, from Time to Time to cause all and every or any of the Dwelling Houses, Shops, or Parts of Shops, Steps and Sheds aforesaid, when purchased or assessed by such Jury or Juries in manner aforesaid, to be pulled down and removed, and to cause the Site or Ground thereof to be added and laid to or into and for ever thereafter to form and be considered as a Part of the King's common Highway there, for the Purpose of widening or otherwise improving the same; and such Site or Ground when so laid to and made a Part of the common Highway, shall for ever thereafter be maintained and repaired by the Surveyors of the Highways wherein such Improvement or Widening may be situated.

Compulsory
Purchases
confined to
Property in
Schedule.

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

Misnomers
or wrong
Descriptions
in Schedules
not to pre-
vent the Exe-
cution of the
Act.

XCVI. Provided always, and be it further enacted, That if any of the Messuages, Buildings, Lands, Tenements, or Hereditaments mentioned and described in the Schedule hereunto annexed, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, or the Owner or Owners, Leaseholder or Leaseholders thereof, or any other Person or Persons interested therein

or in any Part thereof, shall happen by Mistake to be misnamed or incorrectly described, then and in such Case, on the same being certified by any Two of His Majesty's Justices of the Peace, such Misnomer or incorrect Description shall not prevent or retard the Execution of this Act, but the same Premises and every Part thereof shall and may be purchased, sold, assessed, and valued in Manner as in this Act mentioned, and afterwards conveyed, disposed of, and applied for and to the Purposes of this Act, as fully and effectually as if the same was or were properly named and described in the said Schedule hereunto annexed:

XCVII. Provided also, and be it further enacted, That in case the said Commissioners shall not purchase the Lands, Buildings, Tenements, and Hereditaments, mentioned in the Schedule to this Act annexed, within the Space of Five Years from the passing of this Act, all the Powers granted by this Act for purchasing, taking, or using the same, or such of them as shall not then have been purchased, shall cease and determine, save and except with the Consent of the Owners or Proprietors thereof for the Time being.

Commissioners restrained from using Dwelling Houses, &c. mentioned in Schedule, unless purchased in Five Years.

XCVIII. And be it further enacted, That the Charges and Expences of lighting, cleansing, and watching the Streets, Squares, Lanes, Paths, and public Passages and Places within the said Town of *Rochdale*, as well as of lighting and watching the said Market Places, and otherwise putting this Act into Execution, shall at all Times be borne and defrayed by the Tenants or Occupiers of Houses, Shops, Warehouses, Factories, Dye-houses, Coach Houses, Stables, Yards, Gardens, Cellars, Vaults, and other Buildings within the said Town; and for that Purpose the said Commissioners shall and they are hereby authorized, empowered, and required from Time to Time, when and so often as they shall think it necessary, to make a just and equal Pound Rate or Assessment, to be signed by the said Commissioners or any Five or more of them, upon the Tenants or Occupiers of all such Houses, Shops, Warehouses, Factories, Dyehouses, Coach Houses, Stables, Yards, Gardens, Cellars, Vaults, and other Buildings, within the said Town of *Rochdale*, upon the full annual Value of such Houses, Shops, Warehouses, Factories, Dyehouses, Coach Houses, Stables, Yards, Gardens, Cellars, Vaults, and other Buildings; provided always, that such Rate or Rates so to be made under the Authority of this Act shall not in any One Year exceed the Sum of Two Shillings in the Pound upon or at a Rack Rent; and the Money or Monies so rated or assessed on the said Tenants or Occupiers shall be paid by them respectively to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners to collect the same.

Rates for lighting, &c.

XCIX. And be it further enacted, That the Charges and Expences of making the Improvements in the Streets and public Places in the said respective Townships of *Spotland* and *Wardleworth*, within the said Town of *Rochdale*, shall be borne and defrayed by the Tenants or Occupiers of Houses, Shops, Warehouses, Factories, Dyehouses, Coach Houses, Stables, Yards, Gardens, Cellars, Vaults, and other Buildings within the said respective Townships, and for that Purpose the said Commissioners shall and they are hereby authorized, empowered, and required, from

Improve-ment Rate.

Time

Time to Time, when and as often, as they shall think it necessary, to make a just and equal Pound Rate, or Assessment, to be signed by the said Commissioners or any Seven or more of them, upon the Tenants or Occupiers, of all such Houses, Shops, Warehouses, Factories, Dyehouses, Coach Houses, Stables, Yards, Gardens, Cellars, Vaults, and other Buildings, within the said respective Townships, upon the full annual Value of such Houses, Shops, Warehouses, Factories, Dyehouses, Coach Houses, Stables, Yards, Gardens, Cellars, Vaults, and other Buildings; provided always, that such Rate or Rates so to be made under the Authority of this Act, shall not in any One Year exceed the Sum of Two Shillings and Sixpence in the Pound upon or at a Rack-rent; and the Money or Monies so rated or assessed on the said Tenants or Occupiers shall be paid by them respectively to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners to collect the same.

Recovery of Rates.

C. And be it further enacted, That if any Tenant or Occupier of any of the Premises to be rated by virtue of this Act as aforesaid, shall neglect or refuse to pay his or her Proportion or Proportions of any of the said Rates or Assessments respectively to the Collector or Collectors, or other Person or Persons, for the Space of Five Days after Demand thereof, or Demand in Writing left at the Place of Abode or Occupation of such Tenant or Occupier, the same shall be levied and recovered on all and every such Tenant or Tenants, Occupier or Occupiers so neglecting or refusing, by Distress and Sale, of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any one or more Justice or Justices of the Peace, and the Overplus (if any) of the Monies to be raised by such Distress and Sale shall be returned to the Owner or Owners of the Goods and Chattels so distrained and sold, together with what may remain unsold after deducting all Charges attending such Distress and Sale; or otherwise it shall be lawful for the said Commissioners to recover any such Rate or Assessment so due and payable by virtue of this Act, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, or Court of Common Pleas at *Lancaster*, wherein no Essoign, Protection, Wager of Law, or more than One Imparlance shall be allowed.

Limits of the Act defined.

CI. And be it further enacted, That the Provisions of this Act shall extend to the whole Space within Three Quarters of a Mile, to be computed in a straight Line in each and every Direction, from the old Market Place in *Rochdale* aforesaid, and no further.

Exemptions from the Rates.

CII. And be it further enacted, That no Rates or Assessments whatsoever shall be made in pursuance of this Act upon any Person or Persons for or in respect only of his, her, or their being the Occupier or Occupiers of any Dwelling House under the annual Value of Four Pounds, nor upon any Person or Persons whomsoever for or in respect of any Building appropriated exclusively to the gratuitous Education of the Poor; any thing herein contained to the contrary in anywise notwithstanding.

Rates where Houses are let to several Tenants.

CIII. And be it further enacted, That every Person being a Landlord or Tenant, who shall let his or her House in separate Apartments, or ready

ready furnished to a Lodger, or Lodgers, or for any less Term, than One Year, shall for the several Purposes of this Act be rated and assessed to the said Rates and Assessments.

CIV. Provided always, and be it further enacted, That no Rate or Assessment shall, by virtue of this Act be charged or made payable by any Person who by reason of his or her Poverty only is or shall be excused from paying any Rate for the Relief of the Poor; nor shall any Person be charged or rated in or by such Rate or Assessment as aforesaid, for or on account of any Gate, Room, Yard, Close, Barn, Stable, or other Building used for the Purposes of Husbandry only, nor for any Arable, Meadow, or Pasture Land within the said Town.

Persons,
Lands, &c.
which are
exempted
from being
rated.

CV. Provided always, and be it further enacted, That no House, Warehouse, Building, Tenement, or Hereditament hereby made liable to be rated or assessed, shall be charged or chargeable with any Rate or Assessment as aforesaid during the Time the same shall be empty and unoccupied for the Space of One whole Year preceding the making of such Rate or Assessment.

Empty
Houses
exempted.

CVI. And be it further enacted, That in all Cases, where any Person shall remove from or quit any House, Shop, Warehouse, Factory, Dye-house, Coach House, Stable, Yard, Garden, Cellar, Vault, or Hereditament which shall be rated or assessed by virtue of this Act, such Persons shall be liable to pay such Rates or Assessments in proportion to the Time he or she occupied the same, in like Manner as if such Person or Persons had not removed from or quitted the same; and in all Cases when any Person shall come into or occupy any such House, Shop, Warehouse, Factory, Dyehouse, Coach House, Stable, Yard, Garden, Cellar, Vault, or other Building or Hereditament as aforesaid, out of or from which any other Person who shall have been rated or assessed for the same shall be removed, or which at the Time of making such Rate or Assessment was or were empty and unoccupied, the same shall, for and in respect of his, her, or their Occupation thereof, be liable to any such Rate or Assessment in proportion to the Time he, she, or they shall occupy the same, in the same Manner as if he, she, or they had been originally rated or assessed for such House, Shop, Warehouse, Factory, Dyehouse, Coach House, Stable, Yard, Garden, Cellar, Vault, or other Building or Hereditament; which said respective Proportions, in case of any Dispute concerning the same, shall be settled and ascertained by the said Commissioners in such Manner as they shall judge reasonable; and in case any Persons who have been so rated and assessed as aforesaid shall quit his, her, or their House, Shop, Warehouse, Factory, Dyehouse, Coach House, Stable, Yard, Garden, Cellar, Vault, or other Building, before he, she, or they shall have paid such Rate or Rates, or a proportionable Part or Parts thereof by him, her, or them due and payable, and shall afterwards refuse or neglect to pay the same when demanded, it shall and may be lawful for the said Collector or Collectors, by Warrant under the Hand and Seal of any Justice of the Peace acting for the said County of Lancaster, which Warrant such Justice is hereby required to grant, upon Proof made of the Sum so due before him upon Oath of a credible Witness or Witnesses, or Affirmation, being a Quaker, of the Amount of the Sum due, and of such Removal, Demand, and Nonpayment, to levy such Rate

Rates to be
apportioned
on Persons
removing
from their
Houses.

or Rates, or a proportionable Part or Parts thereof, by Distress and Sale of the Goods and Chattels of such Person, rendering the Overplus arising from such Goods and Chattels (if any) upon Demand, after the Payment of the Money due in respect of such unpaid Rate or Rates, or proportionable Part or Parts, and all Expences relating to the Discovery, Distress, and Sale thereof, unto the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Amendment
of Rates by
Commiss-
ioners.

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

Rates not to
be quashed
by reason of
any Appeal
against them.

CVIII. Provided always, and be it further enacted, That on any Appeal from any Rate or Assessment to be made for the Purposes of this Act, the Justices at such General Sessions shall and may amend the same in such manner as may be necessary for giving Relief, without quashing or altering such Rate or Assessment with respect to the other Persons mentioned in the same; but if upon Appeal from the whole Rate or Assessment it shall be found necessary to set aside the same, then and in such case the said Justices shall and may order a new Rate or Assessment to be made in the Manner herein directed.

Rates may
be inspected,
and Copies
thereof
demanded.

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

Power to
mortgage
the Rates.

CX. And for the more speedily and effectually enabling the said Commissioners to execute the general Purposes of this Act, be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time when they shall think it expedient, to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the whole the Sum of Two thousand Pounds, upon the Credit of the said Rates and Assessments hereby authorized to be laid and collected; and by any Writing or Writings under the Hands and Seals of the said Commissioners, or any Five or more of them, to mortgage, demise, grant, or assign the same Rates or Assessments, or any Part or Parts thereof, to the Person or Persons who shall advance or lend such Money, or their Trustee or Trustees, as a Security
or

or Securities for the Money so to be borrowed, together with Interest for the same.

No.

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

Form of Mortgage.

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

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

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

CXII. And be it further enacted, That all the Money to arise by or from the Rate or Rates, Assessment or Assessments, and which may be borrowed on the Credit thereof, and all Penalties and Forfeitures to be recovered or levied, and all other Monies received by virtue of this Act, and not hereby otherwise disposed of, shall be paid to the said Commissioners, or to such Person or Persons as they shall appoint, to be applied and disposed of in the first place towards paying and defraying all Expences and Charges, with lawful Interest on Monies expended, which shall be incurred, or in any Manner incident to and attending the Application for and obtaining and passing this Act; and in the next place in paying and discharging the Principal Monies to be borrowed as herein mentioned, and the Interest thereof, and for and towards defraying the Charges and Expences

Application of Money raised by Authority of this Act.

And the
Treasurer to
pay the same
as Commis-
sioners direct.

Expences of cleansing, lighting, watching, and regulating the Streets, Squares, Lanes, Ways, Paths, and public Passages and Places within *Rochdale* aforesaid, as of lighting and watching the Market Places therein, for preventing Nuisances, Annoyances, Obstructions, and Encroachments in the Streets, Squares, Lanes, Ways, Paths, and public Passages and Places, in manner hereby directed, and in paying and defraying all Expences which the said Commissioners and their Officers shall of necessity be put to in carrying this Act into Execution, and for such other Uses and Purposes as are herein expressed, and to and for no other Use, Intent, or Purpose whatsoever; and the Treasurer or Treasurers for the Time being to the Commissioners shall and is and are hereby authorized and required to pay and apply all such Monies as he or they shall respectively receive by virtue hereof, to such Person or Persons, and in such Manner, and at such Time or Times, as the Commissioners shall from Time to Time by any Order or Orders under their Hands direct and appoint, and the Commissioners are hereby empowered to make such Order or Orders accordingly.

In case of
Nonpayment
of Compensa-
tion for
Materials,
&c. by the
Commission-
ers the same
to be levied
by Distress.

CXIII. Provided always, and be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, 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, and such Sum or Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same within Five Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, to the Clerk of the said Commissioners, or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace; which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Commissioners, or to their Treasurer for the Time being, as the Case may be.

Recovery and
Application
of Penalties.

CXIV. And be it further enacted, That all Offences whatsoever which, by virtue or under the Authority of this Act, are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeitures, for the Recovery of which no express Provision is herein-before made, shall and may in every Case be heard, adjudged, and determined by and before any One or more Justice or Justices of the Peace, in a summary Way,

upon Information or Complaint made and exhibited in Writing (and which shall in every Case be made and exhibited within Two Calendar Months at the farthest next after the committing of such Offences respectively, and not afterwards), and upon any such Information or Complaint as aforesaid, the said Justice or Justices shall examine into the Matter thereof; and if upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses, or, being a Quaker, upon his or her Affirmation, the said Party or Parties accused shall be convicted of having committed such Offence or Offences, then and in every such Case the Penalty or Penalties hereby made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justice or Justices, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then the said Penalty or Penalties shall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any such Justice or Justices (which he or they is and are hereby empowered and required to grant,) be levied and recovered, together with the Costs of Conviction and Recovery thereof, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, wherever such Goods or Chattels shall be found, rendering the Overplus of the Money arising by such Sale (if any) to the Party or Parties whose Goods or Chattels shall be so distrained; and such Penalties shall be paid to the Treasurer of the said Commissioners for the Time being, to be applied to the general Purposes of this Act; and it shall and may be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy such Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, then it shall be lawful for such Justice or Justices, and he and they are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the said Hundred of *Salford*, 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.

CXV. Provided always, and be it further enacted, That it shall be lawful for the Justice or Justices of the Peace, by or before whom any Party or Parties shall be convicted in any of the Penalties imposed or to be imposed by virtue of this Act, from Time to Time to mitigate, com-

Mitigation of Penalties.

[*Local.*]

39 K

ound,

Prosecution, or on behalf of the Person or Persons accused, and shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his, her, or their Costs and Expences, without a satisfactory Excuse being given for such Non-appearance, or appearing shall refuse to be examined upon Oath (or in case of a Quaker or Quakers on solemn Affirmation, which Oath or Affirmation any Justice or Justices of the Peace is and are hereby expressly authorized and required to administer in all Cases whatsoever where the Provisions of this Act require the Oath or Affirmation of any Witness or Witnesses to be had in any Proceeding before such Justice or Justices), and to give Evidence touching the Matter in question before such Justice or Justices, then and in every such Case such Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

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

Persons
paying Rates,
&c. may be
Witnesses.

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

Distress not
to be avoided
for want of
Form.

CXXI. And be it further enacted, That no Order, Verdict, Rate, Assessment, Judgment, Conviction, or other Proceeding touching or concerning any Offence against this Act, or any other of the Matters aforesaid, shall be quashed or vacated for want of Form only; or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding.

Proceedings
not to be
quashed, nor
removed by
Certiorari.

CXXII. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against the said Commissioners or any of them, or any other Person or Persons, for any thing done or to be done in pursuance or under the Authority of this Act, unless a Notice in Writing shall be given, Thirty Days before such Action shall be commenced, of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, stating his Place of Abode, and specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on the behalf of the Defendant or Defendants,
before

Tender of
Amends.

before the commencing of such Action ; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into such Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Orders, and Judgments, shall be had, made, and given in and by the Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Appeal.

CXXIII. 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 in the Execution of this Act, or by any Rate or Assessment to be made by virtue of this Act, or under the Powers and Authorities hereby granted, (except in Cases where any Verdict of a Jury, or 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 Four Calendar Months next after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace to be holden for the County or Place where the Cause or Matter of Appeal shall have arisen, upon giving Notice in Writing of such Appeal to the Clerk or Clerks to the said Commissioners for the Time being, or One of them, or other the Respondent or Respondents, Fourteen Days 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 Three Days after such Notice enter into a Recognizance, with Two sufficient Sureties, before some Justice or Justices of the Peace for such County 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, 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.

Limitation
of Actions.

CXXIV. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against the said Commissioners, or any of them, or any other Person or Persons, for any thing done or to be done in pursuance or under the Authority of this Act, after the Expiration of Six Calendar Months next after the Fact committed ; and all such Actions and Suits shall be laid and tried in the County where the Cause of Action shall have arisen,

and not elsewhere; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Suit shall be so brought was done in pursuance and by the Authority of this Act; and if upon such Trial the said Matter or Thing shall appear to have been so done, or if such Action or Suit shall have been brought before Thirty Days Notice thereof shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time herein-before limited for bringing the same, or if the same shall be brought in any other County or Place than as aforesaid, then and in any of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict being given, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of such Action after the Defendant or Defendants shall have appeared thereto, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall have Treble Costs, and shall have such and the like Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in other Cases by Law.

CXXV. And be it further enacted, That the Charges and Expences of procuring and passing this Act shall be paid out of the first Monies which shall arise and be received from or out of the Rents, Rates, and Assessments respectively authorized to be imposed by this Act, and that in such Proportions as the said Commissioners shall think proper; and that if any Person or Persons shall advance or pay any Money in discharge of the Fees or other Expences of procuring and passing this Act, the Money so advanced and paid shall be repaid and satisfied, with lawful Interest thereon, in the same Manner as the Charges and Expences of putting this Act into Execution are herein-before directed to be paid. Expences how to be paid.

CXXVI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, alter, lessen, or defeat the Right, Title, or Interest of the present or any future Lord or Lords of the Manor of *Rochdale*, of, in, and to the Seigniories, Rights, Royalties, Liberties, and Privileges, incident, belonging, appendant, or appertaining to the said Manor. Saving of the Lord's Seigniories, &c.

CXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to alter or interfere with the Powers and Privileges granted to the Proprietors of the new Market Place in *Rochdale*, by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for providing an additional Market Place in and for the Town of Rochdale in the County Palatine of Lancaster*, except as to watching, lighting, and rating the Houses, Shops, Warehouses, Cellars, Vaults, and other Buildings, the outside Walls of which are or shall be built with Bricks and Mortar or Stone and Mortar within the said new Market Place, any thing herein-before contained to the contrary notwithstanding. Saving of the Powers of the Proprietors of the new Market Place, 3 G. 4. c. 58.

CXXVIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to alter or interfere with the Powers and Privileges granted to the Proprietors of the "*Rochdale Waterworks*," by an Act passed in the Fifty-sixth Year of the Reign of and Waterworks Company.
[Local.] His

56 G. 3. c. 61. His Majesty King George the Third, intituled *An Act for amending and enlarging the Provisions of an Act of the Forty-ninth Year of His present Majesty, for better supplying the Inhabitants of the Town of Rochdale and the Neighbourhood with Water.*

Rights of
Owners of
Markets.

CXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent or hinder the Proprietors, Owners or Owner of the Markets within the said Town of *Rochdale*, from holding and keeping Markets within the said Town, or to prevent or hinder them or any of them from taking, receiving, collecting, and recovering all Tolls, Dues, Duties, Rents, and Emoluments to the said Markets belonging, or to give the said Commissioners, or any of them, or any other Person or Persons whatsoever, any Power or Authority to do any Act, Matter, or Thing (save as to lighting, watching, and rating as aforesaid), which may in any manner prejudice or injure the said Markets of the said Proprietors, Owners or Owner of the same, or obstruct or hinder them or any of them, were used and accustomed or by Law entitled to do before the passing of this Act, or to hinder Persons resorting to or using the said Markets from exposing their Goods, Wares, and Merchandizes to sale there, and using and enjoying all other Privileges, Franchises, and Advantages within the said Markets, which have been used and enjoyed by Persons resorting thereto or using the same, or to which they were entitled by Law before the Commencement of this Act, or to make them or any of them liable for so doing to any of the Penalties contained in this Act, or to prevent or hinder the said Proprietors, Owners or Owner of the said Markets from receiving, exercising, and enjoying all such other Emoluments, Payments, Duties, Rights, Immunities, Franchises, Privileges, Jurisdictions, Powers, and Authorities whatsoever, in respect to holding and keeping of Markets or otherwise howsoever, which they or any of them were entitled to before the passing of this Act, but that they the said Proprietors and Owners or Owner of the Markets there for the Time being shall continue to hold and keep Markets within the said Town, and to take, receive, collect, and recover all Tolls, Dues, Duties, Rents, and Emoluments to those Markets appertaining; and all Persons resorting to or using the said Markets shall and may expose their Goods, Wares, and Merchandizes to sale, and shall and may use and enjoy all other Privileges, Franchises, and Advantages within the said Markets, which have been used and enjoyed by Persons resorting thereto or using the same, or to which they were entitled by Law before the passing of this Act, and without being liable to such Penalties as aforesaid; and that the said Proprietors or Owners or Owner of the said Markets there for the Time being shall receive, use, exercise, and enjoy all such other Emoluments, Payments, Duties, Rights, Immunities, Franchises, Privileges, Jurisdictions, Powers, and Authorities in respect to the holding and keeping of Markets, in the same Manner and to the same Extent as they the said Proprietors or Owners or Owner of the Markets there were or was entitled to hold and keep, take, receive, collect, recover, use, exercise, and enjoy the same before the passing of this Act.

Public Act. CXXX. 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.

SCHEDULE (A.) referred to by this Act.

Description of Premises.	Owners.	Occupiers.
A Shop and Part of a Dwelling House -	James Dearden, Esq.	Edmund Ashworth.
A Part of a Shop and Dwelling House -	James Dearden, Esq.	James Grindrod.
A certain outward Shed, with Steps leading over the same - - -	John & Samuel Clegg	Ann Horsfall.
A certain Wood Bench, with the Stoops and Rails attached thereto, of a certain House adjoining to the before-mentioned Steps - - -	John & Samuel Clegg	—
A Butcher's Bench, Stall or Board, affixed to the Front of a certain Warehouse -	John & Samuel Clegg	John & Samuel Clegg.
A Flight of Steps leading to a certain Ware-room - - -	Jonathan Fildes, Esq.	Joseph Bullwell.
Another Flight of Steps nearly adjoining to the above-mentioned Steps - -	Jonathan Fildes, Esq.	Thomas Howarth.

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