



ANNO NONO

GEORGII IV. REGIS.

Cap. xxxvii.

An Act for paving, lighting, watching, cleansing, regulating, and improving the Town of *North Shields* in the County of *Northumberland*.

[13th May 1828.]

WHEREAS the Town of *North Shields* in the County of *Northumberland* is situated in a very populous District, and is a Place of great Trade, and the Streets, Lanes, and other public Passages and Places in the said Town are not properly paved, lighted, watched, and cleansed, and are subject to various Nuisances, Annoyances, and Obstructions, and various Irregularities are frequently committed therein in the Night-time: And whereas it would be of great Benefit and Advantage to the Inhabitants of the said Town, and to all Persons resorting thereto, if the said Streets, Lanes, and other public Passages and Places were properly paved, lighted, watched, and cleansed, and freed from all Nuisances, Annoyances, and Obstructions, and if the narrow and incommodious Parts thereof were widened, enlarged, and improved, and if proper Regulations were made and established for the Government and Police of the said Town; but as such beneficial Objects cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent

[Local.]

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Consent

Commis-
sioners ap-
pointed.

Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all His Majesty's Justices of the Peace residing within the Limits of this Act, the Vicar of *Tynemouth*, the Churchwardens of *Tynemouth* for the Time being, and the Steward and Bailiff of the Manor of *Tynemouth* for the Time being, and all and every Person and Persons who now is or are, or shall or may at any Time hereafter be or become a Householder or Occupier of Messuages, Lands, Tenements, or Hereditaments within the Limits of this Act, of the annual Value of Forty Pounds, or shall be or hereafter become a Householder or Occupier of Messuages, Lands, Tenements, or Hereditaments within the Limits of this Act, and be really and *bond fide* possessed of Real or Personal Property, or both Species of Property taken together, amounting to the Value of Two thousand Pounds above Reprizes, shall be and they are hereby constituted, appointed, and declared Commissioners for putting the several Powers and Purposes of this Act into Execution.

Commis-
sioners (by
virtue of
their Office)
to take an
Oath.

II. Provided always, and be it further enacted, That no Person hereby appointed Commissioner by virtue of his Office shall be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation herein-after mentioned,) until he shall, at a Meeting to be held by virtue of this Act, have taken and subscribed an Oath, or made and subscribed an Affirmation, in the Form or to the Effect following; (that is to say,)

Oath.

‘ I *A. B.* do swear, [*or, being a Quaker, do solemnly affirm,*] That I will faithfully, truly, and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities reposed in me as a Commissioner by virtue of an Act passed in the Ninth Year of the Reign of King *George the Fourth*, intituled *An Act, &c.* [*here set forth the Title of this Act*]. So help me GOD.’

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

Commis-
sioners (by
virtue of
Property) to
take an Oath.

III. Provided always, and be it further enacted, That no Person (except Persons appointed Commissioners by virtue of their Office) shall be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation herein-after mentioned,) until he shall, at a Meeting to be held by virtue of this Act, have taken and subscribed an Oath, or made and subscribed an Affirmation, in the Form or to the Effect following; (that is to say,)

Oath.

‘ I *A. B.* do swear, [*or, being a Quaker, do solemnly affirm,*] That I am a Householder or Occupier of Messuages, Lands, Tenements, or Hereditaments within the Limits of this Act, of the annual Value of Forty Pounds, [*or am really and bond fide possessed of Real Property, or Personal Property, or Real and Personal Property together, as the Case may be,*] amounting to the Value of Two thousand Pounds above Reprizes]; and that I will faithfully, truly, and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities reposed in me as a Commissioner by virtue of an Act passed in the

Ninth

“Ninth Year of the Reign of King George the Fourth, intituled *An Act, &c.* [here set forth the Title of this Act.] So help me GOD.
[Or, being a Quaker, omit the Words ‘So help me God.’]

IV. And be it further enacted, That no Person shall act as a Commissioner in the Execution of this Act during the Time he shall hold or enjoy any Office or Place of Profit under this Act, or be concerned or interested in any Contract made under or by virtue of this Act, or in any Case wherein he shall be personally interested in the Matter in question (except as a Creditor on the Rates or Assessments); and if any Person, not being qualified in manner in this Act mentioned, or not having taken and subscribed the Oath as aforesaid, or, being a Quaker, not having made and subscribed the Affirmation as aforesaid, or being in any Manner disqualified as aforesaid, shall act as a Commissioner in the Execution of this Act, (except in administering the Oath herein-before mentioned,) every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds, together with full Costs of Suit, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*; and every Person so prosecuted, or against whom such Action shall be brought, shall prove that he was, at the Time of acting, qualified as aforesaid; or otherwise shall pay the said Penalty, without any other Proof given on the Part of the Plaintiff or Prosecutor in such Action than that such Person has acted as a Commissioner in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person acting as a Commissioner in the Execution of this Act (though not qualified as aforesaid), previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person had been qualified according to the Directions of this Act.

Penalty on Commissioners acting, not being qualified.

V. And whereas it is expedient that the Boundary or Limit of the said Town of *North Shields* shall be precisely fixed and ascertained, so far as the same is made subject to the Provisions and Regulations of this Act; be it therefore enacted, That from and after the passing of this Act the Boundary or Limit of the said Town of *North Shields* shall be deemed and taken, for all the Purposes of this Act, to be as follows; that is to say, to the East, a Line drawn in a South-east Direction from the Correction House to the River *Tyne*; to the North, the Turnpike Road from the said Correction House to the South-west Corner of the Churchyard, from thence, the West Wall of the said Churchyard to the North-west Corner thereof, and from thence, a Line drawn in a North-north-west Direction to the Lane or Road called *Hawky's Lane*; leading from the *Newcastle* Turnpike to the Village of *Preston*; to the West, a Line drawn from the Termination of the said northern Boundary in *Hawky's Lane* to the End of the Road leading from the *Newcastle* Turnpike to the Town of *North Shields*, and from thence the said Lane or Road leading therefrom to the Town of *North Shields*, as far and unto the South End of the Quaker's Burial Ground on the West Side of the said Lane, and from thence, a Line drawn straight therefrom to the North-west Corner of *Milburn Place*, and from thence, following the Boundary between the Townships of *North Shields* and *Chirton*, to the River; to the South, the

Defining the Limits of the Town.

the River *Tyne*: Provided always, that nothing in this Act contained shall extend or be taken or construed to alter or in any Manner affect the present Boundaries or Limits of the Parish of *Tynemouth*, or any of the Townships contained therein, otherwise than for the Purposes of this Act, but that in all other respects, and for all other Purposes whatsoever, the present Boundaries and Limits of the said Parish, and the several Townships contained therein, shall continue and be the same as they respectively were at and immediately before the passing of this Act.

First Meeting
of Commis-
sioners.

VI. And be it further enacted, That the said Commissioners, or any Seven or more of them, shall and they are hereby empowered and required to assemble and hold their First Meeting in the Vestry Room of the Parish Church of *Tynemouth*, or at any other convenient Place within the Town of *North Shields* aforesaid, upon the First Day of *July* next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, at which Meetings, so soon as Seven or more Persons shall have assembled, the Persons assembled shall proceed to elect a Chairman, and such Chairman shall take or make and subscribe before the other of such Persons then present at such Meeting, or any Six of them, the Oath or Affirmation herein-before prescribed and required to be taken or made and subscribed, and after such Chairman shall have so taken or made and subscribed the same, it shall be lawful for such Chairman, and he is hereby required, to administer the Oath or Affirmation herein-before prescribed and required to be taken or made and subscribed to the other of such Persons present at such Meeting; and when such Chairman and any other Six or more of such Persons shall have so taken or made and subscribed such Oath or Affirmation, such Commissioners, so sworn or affirmed, or any Seven or more of them, shall and may proceed to put this Act into Execution.

Adjourned
Meetings.

VII. And be it further enacted, That it shall be lawful for the said Commissioners present at their First Meeting, or at any subsequent Meetings held in pursuance of this Act, from Time to Time to adjourn and to appoint their next Meeting to be holden at any future Day and Time, not exceeding Twenty-one Days from the last Day of Meeting, at the Vestry Room aforesaid, or at such other Place or Places within the said Town as they shall think most convenient; and if at any Time and Place appointed for any Meeting there shall not be Seven Commissioners present before the Hour of Twelve of the Clock, then and in every such Case the Commissioners or Commissioner present shall adjourn the Meeting to some future Day not later than Fourteen Days then next ensuing, or if no Commissioner shall attend, or if the Commissioners or Commissioner present shall neglect or omit to adjourn, then and in every such Case the Clerk or Clerks to the said Commissioners shall adjourn the Meeting to some future Day, not later than Fourteen Days then next ensuing, of which adjourned Meeting such Clerk or Clerks shall cause Notice in Writing to be affixed on the outer Door of the principal Entrance of the Parish Church of *Tynemouth* Seven Days before such adjourned Meeting; and if at any Time no Adjournment,

ment, or no Notice of an adjourned Meeting shall be made or given as aforesaid, then it shall and may be lawful for any Seven or more of the said Commissioners, although not assembled at a Meeting under this Act, or for the Clerk or Clerks to the said Commissioners, being directed or authorized by an Order in Writing signed by any Seven of the said Commissioners, to call a Meeting of the said Commissioners by Notice in Writing to be affixed on the outer Door of the principal Entrance of the Parish Church of *Tynemouth* aforesaid, Seven Days at least before such intended Meeting, appointing the Commissioners to meet on the Day to be named in such Notice; and all Matters and Things which shall be done and transacted at any Meeting which shall be held in pursuance of such Notice shall be as valid and effectual as if the same had been done at any other Meeting held by virtue of this Act.

VIII. Provided always, and be it further enacted, That if after any Adjournment of any Meeting by the said Commissioners, or by their Clerk or Clerks as aforesaid, it shall at any Time be considered necessary that a Special Meeting should be appointed for an earlier Day than the Day for which any Meeting shall stand by Adjournment as aforesaid, then it shall be lawful for any Seven or more of the said Commissioners, although not assembled at a Meeting under this Act, or for such Clerk or Clerks, being authorized by an Order in Writing signed by any Seven or more of the said Commissioners, to appoint such Special Meeting for such earlier Day, by affixing a Notice in Writing upon the outer Door of the principal Entrance of the Parish Church of *Tynemouth* aforesaid, Three clear Days at the least before the Day to be appointed for such Special Meeting, mentioning the Time and Place and specifying the Purpose of such Special Meeting; and all Acts, Orders, and Proceedings of the said Commissioners at such earlier Meeting, the Purpose of which shall have been specified in such Notice, shall be as valid and effectual to all Intents and Purposes whatsoever as they would have been in case such Commissioners had then met in pursuance of any Adjournment.

IX. And be it further enacted, That all the Powers and Authorities by this Act granted to or vested in the said Commissioners shall and may from Time to Time be exercised by the major Part of them present at any public Meeting to be holden in pursuance of this Act, such Meeting consisting of not less than Seven Commissioners (or such other Number as is by this Act required in particular Cases); and at every such Meeting a Chairman or President shall be appointed by a Majority of the Commissioners then present; and the said Commissioners shall vote by Ballot, in case the same shall be desired by any Seven or more of the Commissioners then and there present, and in case of an equal Number of Votes upon any Occasion (including the Chairman or President's Vote), the Chairman or President shall have another and the casting or deciding Vote; and all Acts, Orders, and Proceedings of the said Commissioners, made or had at such Meetings, shall be entered in the Book or Books of Proceedings, and the Chairman of every such Meeting shall subscribe his Name at the End of the Proceedings at every such Meeting; and it shall be lawful for the Chairman of any Meeting of the said Commissioners to be

[Local.]

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held

Special Meetings.

Regulations as to Commissioners Meetings.

Chairman to be appointed.

held in pursuance of this Act to administer the Oath or Affirmation by this Act directed to be taken or made and subscribed by Commissioners; and at all Meetings to be held in pursuance of this Act the Commissioners present at such Meeting shall defray and bear their own Expences.

No Act valid unless done at a public Meeting.

X. Provided always, and be it further enacted, That no Act or Order of the said Commissioners shall be valid, unless the same shall be made at a public Meeting or Meetings to be held by virtue of this Act, and signed by the Chairman of the Meeting, as herein-before mentioned (except in such Cases as are in this Act specially mentioned or authorized).

Manner of revoking and altering Orders.

XI. Provided also, and be it further enacted, That no Order made by the said Commissioners at any of their Meetings shall be revoked or altered unless at some Meeting to be especially holden for that Purpose, of which Fourteen Days Notice in Writing shall have been given by affixing the same on the outer Door of the principal Entrance of the Parish Church of *Tynemouth* aforesaid, and also unless Seven Commissioners or more shall attend at such Meeting to revoke or alter the same; any thing herein-before contained to the contrary thereof notwithstanding.

Proceedings to be entered in Books.

XII. And be it further enacted, That the said Commissioners shall cause to be provided proper Books for entering all their Acts, Orders, and Proceedings, and all Rates to be made by virtue of this Act, and for registering all Mortgages and Assignments thereof, and shall cause fair and regular Entries to be made therein by their Clerk or Clerks for the Time being of the Names of the Commissioners present at the several Meetings held in pursuance of this Act, and of all Acts, Orders, Rules, Resolutions, Proceedings, Matters and Things made or done in or relative to the Execution of this Act, and of the Nomination or Appointment of all Officers and other Persons to be appointed by virtue of this Act to act in the Execution thereof, and of all Contracts to be made by or with any Person or Persons by virtue or in pursuance of this Act; and all Entries in the Books of such Proceedings, being signed as herein-before mentioned, shall be deemed Originals, and shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and such Books shall be kept by the Clerk or Clerks for the Time being to the said Commissioners, or by such other Person or Persons, and at such Place as the said Commissioners shall direct, and the same shall respectively at all convenient and reasonable Times, without Fee or Reward, be open and liable to the Inspection of each and every or any of the said Commissioners, and of all and every Person and Persons rated and assessed for the Purposes of this Act, or otherwise affected thereby.

Books of Receipts and Disbursements to be kept, and be open to Inspection.

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

and the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times be open to the Inspection of the said Commissioners or any Creditor or Creditors on the Rates hereby authorized to be made, without Fee or Reward, and the said Commissioners and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the Clerk or Clerks for the Time being to the said Commissioners, or other Person or Persons with whom any Books or Accounts or Papers belonging to the said Commissioners shall have been deposited, shall, on any reasonable Demand, refuse to permit or shall not permit any of the said Commissioners or Creditors to inspect such Books, Accounts, or Papers, or to take Copies thereof or Extracts therefrom, as in this Act mentioned, such Clerk or Clerks or other Person or Persons shall forfeit and pay any Sum of Money not exceeding Five Pounds.

Penalty on Clerk refusing Inspection.

XIV. And be it further enacted, That at a Meeting of the said Commissioners, which shall be held on the First *Tuesday* in the Month of *July* yearly, at the Place herein-before mentioned, or at any other Place to be appointed as aforesaid, the Accounts of all Monies to be 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 audited and settled by the said Commissioners.

Annual Meetings for auditing Accounts, &c.

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

For appointing Officers.

Treasurer, &c. to give Security.

XVI. Provided always, and be it further enacted, That as often as any Collector or Receiver of the Monies to be raised by virtue of this Act shall die, or become incapable of acting in the Execution of this Act, or neglect to perform his Duty therein, it shall be lawful for the said Commissioners, or any Seven or more of them, although not assembled at a Meeting to be held pursuant to this Act, by any

For appointing temporary Officers in Cases of Necessity.

Writing

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

Penalty on
Officers tak-
ing any Fee
or Reward.

XVII. Provided always, and be it further enacted, That if any Clerk or Clerks, Treasurer or Treasurers, or other Officer or Officers employed by the said Commissioners for the Purposes of this Act, shall exact, demand, take, or accept any Fee, Emolument, or Reward whatsoever, other than such Salary or Allowance as shall be appointed and allowed by the said Commissioners for or on account of any thing done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Commissioners, or on any other Account whatsoever, relative to his or their Employment or Duty, or shall be concerned or interested in any Bargain or Contract made by the said Commissioners for the Purposes of this Act, every such Person so offending shall be incapable afterwards of serving or being employed under the said Commissioners, and shall forfeit and pay the Sum of Ten Pounds for every such Offence.

Officers to ac-
count.

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

full Costs of Suit; or it shall and may be lawful for the said Commissioners, or any Person or Persons whom they shall appoint for that Purpose, to make Complaint to any Justice of the Peace, and such Justice may and he is hereby authorized and empowered, by a Warrant under his Hand and Seal, to summon the Officer or Person so refusing or making Default as aforesaid to appear before him, and upon his Appearance, or having been summoned and not appearing, (except from some reasonable Cause to be allowed by such Justice,) to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath or Affirmation, it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Person, or shall be unaccounted for by him, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person, together with the Costs and Charges of making such Complaint, and of making such Distress and Sale; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money and the Charges as aforesaid, or if it shall appear and be proved to the said Justice, after such Summons as aforesaid, that such Officer or Person shall have refused or wilfully neglected to render or give such Account; or to produce and deliver the Vouchers relating thereto, or that any Books, Papers, Writings, or Effects belonging to the said Commissioners shall be retained in the Custody or Power of such Officer or Person, and that he hath refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in either or any of the said Cases such Justice shall commit such Offender to the House of Correction in the Parish of *Tynemouth*, or to any Common Gaol or House of Correction in or for the County, Town, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Payment and Account as aforesaid, or until he shall have compounded with the said Commissioners for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners are hereby empowered to make and receive,) or until he shall have delivered up such Books, Papers, Writings, and Effects as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be committed, by virtue of this Act, on account of his not having sufficient Goods or Chattels, shall be detained in Prison on that Account for any longer Term than Six Calendar Months: Provided also, that if any Money shall be due from such Officer or Person, his Commitment to Prison as aforesaid shall not (without the Consent of the said Commissioners) be deemed a Discharge for the same, nor exonerate the Surety or Sureties for such Officer or Person, but such Officer or Person and his Surety or Sureties shall remain liable to the Payment thereof in the same Manner as if such Officer or Person had not been committed to Prison.

Clerk not to
act as Treas-
urer, and
vice versâ.

XIX. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint any Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Commissioners; and if any Person shall accept both the Office of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioners other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Commis-
sioners may
sue or be sued
in the Name
of their Clerk
or of any
Commis-
sioner.

XX. And be it further enacted, That the said Commissioners may sue and be sued for or concerning any thing which shall be done by virtue or in pursuance of this Act, or for or concerning any Matter or Thing relating or incident to the obtaining and passing of this Act, in the Name or Names of their Clerk or Clerks for the Time being; or in the Name of any One or more of the said Commissioners; and no Action or Suit to be so brought or commenced by or against the said Clerk or Clerks or Commissioner or Commissioners shall abate or be discontinued by his or their Death, Removal, or Default, but shall be continued and carried on in his or their Name or Names, and such Clerk or Clerks or Commissioner or Commissioners shall be deemed Plaintiff or Defendant or Plaintiffs or Defendants in such Action or Suit (as the Case may require): Provided always, that any such Clerk or Clerks or Commissioner or Commissioners, in whose Name or Names any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act shall not, by reason of his or their being such Clerk or Clerks or Commissioner or Commissioners, be rendered incompetent or inadmissible as a Witness or Witnesses in any such Action or Suit as aforesaid, unless such Clerk or Clerks or Commissioner or Commissioners shall be personally or individually interested or concerned therein.

XXI. And 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 to contract and agree with any Company or Body Politic or Corporate for lighting all or any of the Streets, Lanes, and other public Passages and Places within the Limits of this Act, with Oil or Gas or Inflammable Air, and also to contract and agree with any Person or Persons they may think proper, for the paving, flagging, widening, altering, amending, and improving of the Carriageways and Footpaths, and for lighting with Oil or Gas or Inflammable Air, and for watching, draining, sweeping, cleansing, and watering, the said Streets, Lanes, and other public Passages and Places, or any of them, within the Limits of this Act, and for the performing any of the Works hereby authorized; which Contract or Contracts so to be entered into shall be reduced into Writing, and signed by the Clerk or Clerks to the said Commissioners, and sealed or signed, as the Case shall require, by the Parties or Persons contracting to perform such Works, and shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when such Works shall be done and completed, and the Penalties to be suffered in case of Nonperformance thereof; which Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Commissioners: Provided always, that Fourteen Days Notice at least shall be given previous to the Meeting for entering into such Contract, by Writing to be affixed on the outer Door of the principal Entrance of the Parish Church of *Tynemouth* aforesaid; and in such other Manner as the said Commissioners shall direct, in which Notice shall be specified the Works and Business to be contracted for at such Meeting, to the end that Persons may tender Proposals for such Contracts at a certain Time and Place in such Notice to be mentioned; and the said Commissioners shall and they are hereby required to take Security from every such Contractor, for the due Performance of his, her, or their Contract; and it shall also be lawful for the said Commissioners, and they are hereby also directed, to cause the Works to be done in pursuance of such Contracts to be inspected by such Person or Persons as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed, according to the true Intent and Meaning of such Contract or Contracts, or shall not be finished and completed at or within the Time or Times to be by such Contract or Contracts limited for completing the same, the said Commissioners shall and may bring or order to be brought any Action or Actions at Law, or Suit or Suits in Equity, against any Person or Persons so contracting and neglecting to perform such Contract or Contracts, or for any Injury suffered or sustained on account of the Nonperformance thereof; and upon proving the signing of the Contract or Contracts, and Nonperformance thereof, the said Commissioners shall be entitled to and shall recover such Penalty or Damage as may be awarded, with full Costs of Suit: Provided always, that it shall be lawful for the said Commissioners from Time to Time and at all Times thereafter to compound and agree with any Person or Persons against whom the said Commissioners shall bring or cause to be brought any Action or Actions, Suit or Suits, for any Penalty or Penalties contained in any Contract or Contracts hereafter to be made or entered into

Commis-
sioners may
make Con-
tracts.

Commis-
sioners may
compound
for Breach of
Contracts.

into in pursuance of this Act, on account of any Breach or Nonperformance of any such Contract or Contracts, for such Sum or Sums of Money as they shall think proper, so as the Sums compounded and agreed for be not less than the Injury sustained by the Breach or Nonperformance of such Contract or Contracts, and all such Costs, Charges, and Expences as shall have been or be occasioned thereby.

Com-
missioners not
personally
liable.

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

Com-
missioners may
compound
Actions.

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

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

XXIV. And be it further enacted, That the Stones, Gravel, and all Materials of, in, and belonging to all the present and future Carriageways and Footpaths, and all the present and future public Drains, Ditches, Sewers, Tunnels, Gutters, Grates, and Sinks in and upon the several Streets, Lanes, and other public Passages and Places within the Limits of this Act, and of all other Materials, Implements, Lamps, Lamp Irons, Lamp Posts, Watchboxes, Watch-houses, and all other Matters and Things which shall be provided by the said Commissioners for the Purposes of this Act, and all the Dirt, Dust, Dung, Ashes, and Filth to be swept, gathered, and collected in or from the said Streets, Lanes, and other public Passages and Places aforesaid, shall belong to and be the exclusive Property of, and the same are hereby absolutely and exclusively vested in, the said Commissioners for the Time being; and the said Commissioners shall be called and known by the Name of "The Commissioners for the Improvement of the Town of *North Shields* in the County of *Northumberland*;" and they the said Commissioners shall and may and they are hereby authorized to bring or cause to be brought any Action or Actions, or to prefer any Bill or Bills of Indictment, as the Case shall require, against any Person or Persons whomsoever who shall steal, take, and carry away, detain, spoil, injure, damage, or destroy the several Articles or Things herein mentioned and vested in the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Commissioners for the Improvement of the Town of *North Shields* in the County of *Northumberland*, without particularly stating or specifying the Name or Names of all or any of the said Commissioners; and the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose of, for the Purposes of this Act, all or any of the said Articles and Things, or any Part or Parts of the same respectively, to such Person or Persons, in such Manner, and from Time to Time, as they shall think fit.

Property of
Materials,
&c. vested
in Commis-
sioners.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, from Time to Time, and at all Times hereafter, as often as they shall think fit, to cause, order, and direct all or any of the present and future Streets, Lanes, and other public Passages and Places, as well Carriageways as Footways, within the Limits of this Act, to be repaired, made, formed, amended, and sustained in such Manner and with such Materials as the said Commissioners shall think proper;

Commis-
sioners to
repair the
Streets, &c.

[Local.]

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and

and also from Time to Time to cause the Materials thereof to be taken up and relaid and renewed, and the Ground and Soil thereof to be raised, lowered, or altered, in such Manner and with such Materials as the said Commissioners shall deem proper or direct; and also from Time to Time to cause any Sewers, Gutters, Drains, or Watercourses to be made into, upon, through, over, along, or under any of the said Streets, Lanes, Passages, or Places, for carrying off Water, Mud, or other Filth from the same; and also to cause any of the present or future Sewers, Gutters, or Watercourses therein to be stopped up, or otherwise opened, enlarged, altered, or cleansed, or the Form or Course thereof to be altered, turned, varied, changed, or diverted, in such Manner as the said Commissioners shall think fit; and also to cause to be taken up and removed all or any Posts, Rails, Pales, Trees, or Fences, in such Streets, Lanes, Passages, or Places, or any of them, as the said Commissioners shall consider useless, or a Nuisance or Obstruction to Passengers, Horses, or Carriages; and also to erect and set up any other Posts, Rails, Pales, or Fences in any other Place or Places therein, as they shall think proper for the better Security or Accommodation of Passengers or Carriages, or for Protection of the Foot Pavements from Damage by Waggons, Carts, or other Carriages.

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

XXVI. And be it further enacted, That from and after the Commencement of this Act all and every Persons and Person who shall be assessed, under or by virtue of this Act, for or in respect of any Messuages, Lands, Tenements or Hereditaments within the Limits of this Act, shall be, and they, he, and she are and is hereby exonerated, released, and for ever discharged from the Performance of Statute Duty for the Repairs of the public Highways within the said Limits, and from the Payment of any Composition Money in lieu of such Statute Duty, and from all Rates and Assessments for the Repairs of the said Highways within the said Limits, for or in respect of such Messuages, Lands, Tenements, or Hereditaments: Provided always, that in case the Monies by this Act authorized to be raised shall at any Time be insufficient for the Repair of the Highways within the Limits of this Act, and in case the said Highways, or any or either of them, shall be out of Repair, and any Indictment shall thereupon ensue, and any Fine shall thereupon be imposed upon the said Commissioners, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to raise and levy, by the same Ways and Means as any Rate may be raised and levied by virtue of this Act, on the Tenants and Occupiers of all Lands, Tenements, and Hereditaments liable to be assessed towards the Repairs of the said Highways, at such Time or Times and in such Proportions as they shall think proper, such a sufficient Sum of Money as will put the said Highways in repair, and pay and discharge any such Fine.

Roads within the Limits of this Act to be discontinued as Turnpike.

XXVII. And be it further enacted, That from and after the Commencement of this Act, so much and such Part of the Turnpike Roads passing into or through the said Town of *North Shields*, on both Sides whereof Houses now are or hereafter shall be erected or built,

as lies within the Limits of this Act, shall cease to be Part of such Turnpike Roads, and the Trustees of such Turnpike Roads shall not contribute towards the Repairs thereof.

XXVIII. Provided also, and be it further enacted, That all Indictments and other Processes of Law which may be brought for or on account of the Repair or Nonrepair of the Streets, Lanes, and other public Passages or Places within the Limits of this Act, shall and may be brought against the said Commissioners, or their Clerk or Clerks, or any One or more of the said Commissioners, and being so brought shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Indictments may be brought in the Name of the Clerk or of a Commissioner.

XXIX. And be it further enacted, That it shall and may be lawful for the said Commissioners or their Surveyors, or any other Person or Persons appointed or employed by them, having an Order in Writing under the Hands of any Seven of the said Commissioners for the Purpose, to search for, dig, gather, get, take, and carry away any Stone, Gravel, Sand, Earth, or other Materials fit or proper for paving, repairing, amending, raising, or improving the said Streets, Lanes, and other public Passages or Places within the Limits of this Act, out of or from any Common or Waste Ground, or common River or Brook, in the said Limits, the Person or Persons acting by or under the Appointment of the said Commissioners filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks wherefrom such Materials shall be taken, or causing such Pits or Quarries to be fenced off, so that the same may not be dangerous to Passengers or Cattle; and in case a sufficient Quantity of Materials cannot be had in or upon any such Waste Grounds or Commons, or in any such common River or Brook as aforesaid, then and in such Case it shall be lawful for the said Commissioners or their Surveyors, or other Person or Persons so appointed or employed by them as aforesaid, by Order of any Justice or Justices of the Peace, to search for, cut, dig, get, gather, and take away any such Materials as aforesaid in, out of, or from any of the private Lands, Fields, or Grounds, being of Freehold Tenure, of any Person or Persons within the said Limits, where the same may be had or found, (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, Plantation, or Avenue to a House, or any Piece of Ground planted or set apart as a Nursery for Trees,) making or tendering such Satisfaction for the Value of such Materials, and also for the Damages done thereby, to the Owners and Occupiers of the Lands, Fields, or Grounds where and from whence the same shall be cut, dug, got, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Streets, Lanes, and other public Passages and Places, shall be carried, as shall be agreed upon between the said Commissioners and such Owners and Occupiers; and in case of any Difference between the said Commissioners, or other Person or Persons appointed or employed as aforesaid, and such Owners or Occupiers or any of them, concerning such Damages, it shall be lawful for any Justice or Justices of the Peace, on Fourteen Days Notice thereof given by either Party to the other, or left at his, her, or their respective Place or Places of Abode, to hear, settle, and finally determine the Matters of such Damages

Power to get Materials.

Damages and Payment : Provided always, that no such Materials as aforesaid shall be dug for, gotten, or taken away from any Place within the Distance of One hundred Yards from any Bridge, Mill, Mill Wear or Dam, nor so as to injure any Building or Highway, on any Account or Pretence whatsoever.

Notice to be given to Occupiers of inclosed Lands, before Materials are taken.

XXX. Provided also, and be it further enacted, That it shall not be lawful for any Person or Persons acting under the Authority of this Act to dig, gather, get, take, or carry away any Materials for repairing such Streets, Lanes, or other public Passages or Places, out of or from any inclosed Lands or Grounds, until Fourteen Days Notice in Writing, signed by the Surveyor or Surveyors, or other Person or Persons appointed or employed by the Commissioners as aforesaid, shall have been given to the Owner or Occupier of the Premises from which such Materials are intended to be taken, or left for such Owner or Occupier at his or her usual Place of Residence, to appear before any Justice or Justices of the Peace to show Cause why such Materials shall not be had from such Lands or Grounds ; and in case such Owner or Occupier, or his or her Agent, shall attend, pursuant to such Notice, but shall not show sufficient Cause to the contrary, then and in such Case such Justice or Justices shall and may authorize the said Commissioners or such Person or Persons as aforesaid to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper ; and if such Owner or Occupier shall neglect or refuse to appear by himself or herself, or his or her Agent, pursuant to such Notice, the said Justice or Justices shall and may make such Order therein as he or they respectively shall think fit, as fully and effectually, to all Intents and Purposes, as if such Owner or Occupier, or his or her Agent, had attended.

Penalty on taking away Materials procured for the Purposes of this Act.

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

No Alteration to be made in the Form

XXXII. And be it further enacted, That no Person or Persons shall at any Time make, or cause or suffer to be made, any Alteration in

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

of the Pavement without the Consent of the Commissioners.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to light or cause to be lighted the several Streets, Lanes, and other public Passages and Places within the Limits of this Act, or such of them as they shall think proper, either with Oil Lamps, or by means of Gas or Inflammable Air, as the said Commissioners shall think proper; and in case it shall be determined to light all or any of the said Streets, Lanes, public Passages and Places within the aforesaid Limits, with Gas or Inflammable Air, then it shall be lawful for the said Commissioners to break up, or authorize to be broken up, the Soil and Pavement of any of the Footways or Carriageways of any such public Streets, Lanes, and other Passages and Places, and permit to be dug, sunk, and constructed and placed any Trenches, Mains, and Pipes, and Stopcocks, Plugs, or Branches, and all other Works and Machinery to be laid down and made by any Company or Companies of Pro-

Commissioners empowered to cause Streets, &c. to be lighted with Oil or Gas.

[*Local.*]

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Proprietors,

prietors, or other Person or Persons with whom the said Commissioners may contract for the Conveyance of the said Gas or Inflammable Air, for the Purpose of lighting the several Streets, Lanes, and other public Passages and Places within the Limits of this Act, or any Part or Parts thereof, and from Time to Time to permit and suffer such Pipes, Stopcocks, Plugs, or Branches, Works and Machinery, to be altered, varied, and repaired.

Commis-
sioners may
erect Appa-
ratus to make
Gas them-
selves.

XXXIV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Commissioners to light the said Streets, Lanes, public Passages and Places within the Limits of this Act with Gas or Inflammable Air (without contracting for the same), and for that Purpose to erect, or cause to be erected Gasometers, Cisterns, Pillars, and all the other necessary Apparatus to produce, conduct, supply, and receive such Gas or Inflammable Air, in such Manner as they shall think expedient and necessary, and for that Purpose to take, or rent from any Person or Persons any Building or Buildings, Erection or Erections, Lands, Tenements, or Hereditaments within the aforesaid Limits, (who shall be willing to let the same,) or to purchase of any Person or Persons any Building or Buildings, Erection or Erections, Lands, Tenements, and Hereditaments within the Limits of this Act, not exceeding One Acre, (who shall be willing to sell or dispose of the same,) to erect and make such suitable Buildings thereon for the manufacturing of Gas or Inflammable Air as aforesaid.

Commis-
sioners to
make and
use Gas
Works, under
Advice of
some Person
skilled in such
Works.

XXXV. Provided always, and be it further enacted, That for the greater Security against Accidents by such Gas Works, the said Commissioners, and all other Person or Persons with whom they may contract, are hereby directed and required to erect or cause to be erected all such Gasometers, Cisterns, Pillars, and all other the necessary Apparatus, and to lay all such Mains, Pipes, Stopcocks, Plugs, Branches, and Machinery as aforesaid, by and with the Advice and under the Direction of One or more Person or Persons properly skilled and experienced in the Nature of such Works, whose Approbation thereof, and particularly as to their Safety, shall be had before the same shall be used for the Purposes of this Act.

Works to be
inspected
Twice in
every Year.

XXXVI. And be it further enacted, That the said Commissioners, and the Company or Companies, or Body or Bodies Politic or Corporate, or Person or Persons with whom they shall or may contract for lighting with Gas, shall and they are hereby required to have the said Works inspected at least Twice in every Year by One or more such experienced Person or Persons as aforesaid, to see that the same are in a fit State and properly conducted and managed, and in case of any Error, Want of Repair, Insufficiency, or other Mismanagement being pointed out, to cause the same to be forthwith corrected, amended, and repaired, according to the Opinion of such Person or Persons as aforesaid.

Commis-
sioners em-
powered to
let out Gas

XXXVII. And be it further enacted, That in case the said Commissioners shall deem it expedient to erect such Gas Apparatus, and to light the said Streets, Lanes, and other public Passages and Places within

within the Limits of this Act, with Gas or Inflammable Air, without contracting for the same as aforesaid, it shall and may be lawful to and for the said Commissioners (after sufficiently lighting the said Streets, Lanes, public Passages and Places as aforesaid,) to let out or grant to any Person or Persons whomsoever, who shall be willing to take the same, any Light or Lights, or Argand, Cockspur, Batwing, or any other kind of Burner or Burners, and to supply the same with Gas or Inflammable Air upon such Terms and Conditions, and at such annual Rents for the same, and in such Manner as they the said Commissioners shall from Time to Time think proper: Provided nevertheless, that all Money to proceed therefrom or arise thereby shall be in the first instance applied to defray the Expences of the Gas Apparatus and other Things connected therewith, and if there shall be any Overplus, then the same shall be applied generally for the Purposes of this Act.

Lights in case they light the Streets themselves.

XXXVIII. And be it further enacted, That in case any Person or Persons who shall contract with the said Commissioners, or otherwise shall agree to take, use, or enjoy the Benefit of the said Gas in their private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, shall refuse or neglect, for the Space of Ten Days after Demand, to pay the Sum or Sums then due to the said Commissioners, according to the Terms and Stipulations of his, her, or their Contract or Agreement with the said Commissioners, it shall and may be lawful for the said Commissioners, or their Clerk or Clerks for the Time being, or any Person or Persons duly authorized by the said Commissioners, by Warrant under the Hand and Seal of any Justice of the Peace, to cause the said Sum or Sums of Money to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) to such Person or Persons, after the said Sum or Sums of Money, together with the Charges incidental to such Distress and Sale, shall have been deducted.

Power for Commissioners to recover Rents for Gas supplied.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, and at any Time after the Commencement of this Act, to purchase and provide such and so many Glass Lamps, Lamp Irons, and Lamp Posts, and all such other Materials and Things for the lighting of such Lamps either with Gas or Oil, as they shall judge necessary, and to direct the same to be affixed and set up on or against the Walls or Rails of any of the Houses, Tenements, or Buildings, or against any other Walls or Rails, or in any of the Streets, Lanes, public Passages and Places within the Limits of this Act, or in such other Places or in such other Manner as they the said Commissioners shall think proper and convenient, and to cause the same and every of them from Time to Time to be taken down, altered, amended, removed, or renewed when and as often as they the said Commissioners shall think fit; and to cause such Lamps, or any of them, to be lighted at such Seasons of the Year, on such Evenings, in such Manner, and at such Hours of the Evening, and to be kept burning for so many Hours during the Night, as to them the said Commissioners shall seem necessary or proper.

Commissioners may provide Lamps, &c.

Commis-
sioners, &c.
to repair Da-
mage done to
Walls, &c.

XL. Provided always, and be it further enacted, That if any Injury or Damage shall be occasioned to any Building or Wall, or other Erection, by the affixing, setting up, taking down, altering, or removing any Lamp or any Lamp Iron, or other Fastening thereof, the said Commissioners shall immediately cause the said Injury or Damage to be well and sufficiently repaired, and the Expences attending the same shall be paid out of the Money to be raised by virtue of this Act.

Not to fix or
continue
Gas Pipes
without Con-
sent.

XLI. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners, or any Company or Companies, or Body or Bodies Politic or Corporate, or any Person or Persons whomsoever, to carry, lay, place, or fix any Pipe or Pipes or other Thing for the Conveyance of Gas or Inflammable Air, through, over, against, or into any Dwelling House or private Building, or through or into any private Lands, Tenements, or Hereditaments, or so to continue the same, without the special Licence, Consent, and Authority of the Owner and Occupier of every such Dwelling House, Building, Land, Tenement, or Hereditament.

Branch and
Service Pipes
to be kept
charged with
Gas.

XLII. And be it further enacted, That the Branch or Service Pipes which shall be laid or placed for lighting the said Streets, Lanes, or 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.

Commis-
sioners and
Contractors
to prevent
the Escape of
Gas.

XLIII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall have been laid down or set up by the said Commissioners, or by any Body Politic or Corporate, or by any Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, the said Commissioners, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall, immediately after Notice given to them or any or either of them, either verbally or in writing, of any such Escape of Gas, by any Inhabitant or Inhabitants within the said Town, or any other Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent the further Escape of such Gas; and in case the said Commissioners, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours next after such Notice given, effectually stop and prevent any further Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Commissioners, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid (as the Case may be), shall for every such Offence forfeit and pay the Sum of Five Pounds for each Day, after the Expiration of Twenty-four Hours from the Time of giving such Notice, during which the said Gas shall be suffered to escape; which Penalty or Penalties shall from Time to Time be recoverable in a summary Way, on the Oath or Affirmation of any credible Witness or Witnesses, by Information to be laid before some Justice or Justices of
the

the Peace, and shall and may be levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Commissioners, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid (as the Case may be).

XLIV. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round the said Streets, Lanes, Passages, or Places, shall be so laid at the greatest practicable Distance, and (whenever the Width of the Carriageway in such Street or Place will allow thereof) at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Lanes, 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 said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet in Length, in order that no Joint of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least); and that in laying down the said Gas Pipes, the Party or Person laying the same shall in no Case join Two or more Gas Pipes 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, to be recovered, with full Costs of Suit, by Action of Debt, Bill, Complaint, or Information, in any of His Majesty's Courts of Record at *Westminster*.

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

XLV. And be it further enacted, That whenever the Water of any Company of Proprietors of Waterworks, or other Owners or Proprietors of any Waterworks within the Limits of this Act, or the Water in any Well or Pond belonging to or used by any Party or Person in the said Town, shall be contaminated or affected by any Gas of the said Commissioners, or of any Body or Bodies Politic or Corporate, Company or Companies, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and the same shall be applied to and for the Use and Benefit of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or Party or

Commissioners, &c. to prevent Escape of Gas and Contamination of Water.

[*Local.*]

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Person

Person using such Water; and suing for the same; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by the Treasurer or by the Clerk for the Time being to any such Company of Proprietors, or by any One or more of the Members of such Company, or by other the Owners or Proprietors of any Waterworks, or by any other Party or Person whomsoever interested in or using such Water, to be left at the usual Office or Place of transacting Business of the said Commissioners, Body or Bodies, or Company or Companies, or at the last or usual Place of Abode of such other Person or Persons as aforesaid, cause Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes so contaminating or affecting any such Water; and in case the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to such Company of Proprietors, or the Owners or Proprietors of any such Waterworks, or other Parties or Persons aforesaid, for the Use and Benefit of the same Proprietors or Owners or Parties or Persons, over and above the before-mentioned Penalty of Twenty Pounds, to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which any such Water shall be and remain contaminated, tainted, or affected by any such Gas; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer or Clerk for the Time being to such Company of Proprietors, or by and in the Name of any One or more of the Members of such Company, or by other the Owners or Proprietors of any Waterworks, or by any such other Parties or Persons as aforesaid, at the Option of the Parties prosecuting such Information against the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, before any Justice of the Peace, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties and Costs when so levied shall be paid to the Treasurer for the Time being to such Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or to such other Parties or Persons as aforesaid, for the Use of the same Proprietors or Owners.

XLVI. 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, Body or Bodies, Company or Companies, or other Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of of this Act; be it therefore enacted, That in every such Case it shall and may be lawful for the Owners or Proprietors of any Waterworks to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by the Gas of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, then and in such Case the said Company, or other the Owners or Proprietors of any Waterworks, or other Party or Person making Complaint of such Contamination, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement of the said Streets and Places 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.

For ascertain-
ing if the
Water is con-
taminated.

XLVII. And be it further enacted, That if the said Commis-
sioners, or any Body or Bodies Politic or Corporate, or Company or
Companies, or other Person or Persons whomsoever, making, fur-
nishing, or supplying any Gas used, burnt, or consumed within the
Limits of this Act, shall at any Time empty, carry, or convey, or
cause or suffer to be emptied, carried, or conveyed, or to run or flow,
any Washings or other waste Liquids, Substances, or Things what-
soever, which shall be used, made, or produced from the Manufacture
of Gas or in the Prosecution of any Gas Works, into any River,
Brook, Stream, Reservoir, Aqueduct, Canal, Feeder, Pond, or Spring-
head

Penalty on
Commis-
sioners or
Contractors
suffering
Liquids pro-
duced by
Manufacture
of Gas to
flow into any
Stream, &c.

head or Well, or shall commit or cause to be committed any Annoyance, Act, or Thing whatsoever to the Water contained in any such River, Brook, Stream, Reservoir, Aqueduct, Canal, Feeder, Pond, or Springhead or Well, whereby the said Water shall or may be soiled, damaged, or corrupted, then and in every such Case the said Commissioners, or Body or Bodies Politic or Corporate, or Company or Companies, or such other Person or Persons, as the Case may be, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, with full Costs of Suit, to any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, or more than One Impar lance, shall be allowed: Provided always, that no such Penalty or Forfeiture shall be recoverable, unless the same be sued for within Twelve Calendar Months after the Time when such Annoyance, Act, and Thing shall have been committed or have ceased: Provided also, that in addition to the said Penalty or Forfeiture of Two hundred Pounds, (and whether such Penalty shall or shall not be sued for or recovered,) in case any of the said Washings or other waste Liquids, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Aqueduct, Waterway, Canal, Feeder, Pond, or Springhead or Well, 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 to the said Commissioners, or Body or Bodies Politic or Corporate, or Company or Companies, or such other Person or Persons as aforesaid, and the said Commissioners, or Body or Bodies Politic or Corporate, or Company or Companies, or such other Person or Persons as aforesaid, shall not, within Twenty-four Hours after such Notice, stop and prevent the further Continuance of such of the Causes of Complaint as shall be expressed in such Notice, then and in every such Case the said Commissioners, or the said Body or Bodies Politic or Corporate, or Company or Companies, or such other Person or Persons as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each Day such Cause or Matter of Complaint shall continue; and any Justice of the Peace, upon Conviction of the Offender or Offenders before him, upon the Oath or Affirmation of any credible Witness, (which Oath or Affirmation the said Justice is hereby authorized and empowered to administer and take,) shall and may, by Warrant under his Hand and Seal, cause the said Penalty or Forfeiture, and also the Costs attending such Conviction, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders; which Penalty, when recovered, shall, at the Discretion of the said Justice, either be paid to the Informer or to the Person or Persons who, in the Judgment of the said Justice, shall have sustained any Annoyance, Injury, or Damage by any such Cause or Matter of Complaint as aforesaid.

Act not to
protect Per-
sons, &c.
lighting with

XLVIII. 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 Body or

or Bodies Politic or Corporate, or any Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, or any of the Servants or Officers or Workmen of the said Commissioners, or of any such Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, from any Indictment or Prosecution for a public or private Nuisance in respect of any Gas Works, or the Means which shall be employed in making such Gas and using the same, nor from any Action or Actions for any Injury or Damage sustained by reason of any such Gas 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.

Gas from being indicted for a Nuisance.

XLIX. And be it further enacted, That if any Person or Persons shall wilfully break, destroy, remove, throw down, displace, or otherwise injure or damage any Lamp which shall be erected by the said Commissioners or by any such Contractor or Contractors, or any other Person or Persons, at his, her, or their own Expence, for the Purpose of lighting any of the said Streets, Lanes, Passages, or Places, or any Post, Iron, Cover, or Furniture thereof, or any Appurtenances thereto, or shall wilfully extinguish the Light or Lights of or in any such Lamp or Lamps, or molest or prevent the Lighter from either lighting or extinguishing any such Lamp or Lamps, or mischievously re-light any of them after the same shall have been extinguished by such Lighter, it shall and may be lawful for any Justice of the Peace, and he is hereby authorized, upon Complaint on Oath of any such Offence having been so committed, to issue his Warrant for the Apprehension of such Offender or Offenders; and it shall and may also be lawful for any Person or Persons who shall see such Offence committed to apprehend and secure, without any such Warrant as aforesaid, and also for any other Person or Persons to assist such first-mentioned Person or Persons in apprehending and securing, such Offender or Offenders, and to deliver him, her, or them into the Custody of a Constable or other Peace Officer, in order to be detained in Custody, and conveyed before some Justice of the Peace; and every such Justice before whom such Offender or Offenders shall be brought, either by Warrant or otherwise, as aforesaid, shall and he is hereby required to examine upon Oath any Witness, or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Offender or Offenders shall be thereof lawfully convicted, either on his, her, or their own Confession, or upon such Evidence as aforesaid, then and in every such Case he, she, or they shall for every such Offence respectively forfeit and pay any Sum not exceeding Five Pounds, and shall besides make a full Satisfaction to the said Commissioners or to the Party injured by the Damage so done.

Penalty for breaking or damaging Lamps, &c.

L. And be it further enacted, That if any Person or Persons shall carelessly, negligently, or accidentally break, throw down, destroy, or otherwise injure or damage any such Lamp as aforesaid, or the Post,

[Local.]

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

9^o GEORGIIV. *Cap. xxxvii.*

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

Streets to be
cleansed and
watered.

LII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required, to cause the Streets, Lanes, and public Passages and Places within the Limits of this Act, or such of them as they shall think proper, to be cleansed and watered from Time to Time and at such Times as they shall think proper, and for that Purpose from Time to Time to purchase, or hire any Cart or Carts, or other Carriage or Carriages, and also any Horse or Horses, and to employ any Person or Persons, for carrying away the Dust, Dung, Manure, Dirt, and Soil thereof, and to do and perform all such Acts, Matters, and Things for cleansing and watering such Streets, Lanes, and public Passages and Places, as they shall think proper.

Reserving a
Right to the
Inhabitants
to dispose of
their Ashes.

LIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any of the Inhabitants of the said Town from preserving and keeping any Ashes, Dust, Dirt, Filth, Soil, Dung, or Rubbish within their own respective Houses, Yards, Gardens, or Premises, and disposing of the same for their own Use, so as such Ashes, Dirt, Dust, Filth, Soil, Dung, or Rubbish be not laid down or placed in any or either of the said Streets, Lanes, Passages, or Places, for any longer Time than shall be necessary for the loading and carrying away the same, and so as the same be not put, placed, or kept, or suffered to remain in any Place (public or private) in the said Town, so as to annoy any of the Inhabitants of the said Town; but in case the Person or Persons so reserving such Ashes, Dirt, Dust, Filth, Soil, Dung, or Rubbish, shall thereby annoy any of the said Inhabitants, and shall not remove the same within the Space of Two Days after Notice in Writing under the Hands of the said Commissioners or any Seven or more of them, or of their Clerk, given to him, her, or them, or left at his, her, or their Dwelling House, to remove the same, such Person or Persons shall forfeit and pay any Sum not exceeding Twenty Shillings for every Day such Annoyance shall be permitted to remain next after such Notice given or left as aforesaid.

LIII. Provided always, and be it further enacted, That every Occupier of any House or Tenement within the Limits of this Act shall scrape, sweep, and clean, or cause to be scraped, swept, and cleaned, the Footways and Foot Pavements the whole Length of the Front of their respective Houses or Tenements, dead Walls, vacant Pieces of Ground, and other Hereditaments, and the Channels or Watercourses opposite the same respectively, to the full Extent of the said Footways and Foot Pavements, before, behind, and on the Side or Sides of the same respectively, previous to the Hour of Nine in the Morning on every *Tuesday* and *Saturday* in every Week, and also on such other Days and at such other Times, if the said Commissioners shall from Time to Time order and require the same to be done oftener than as aforesaid, and shall also cause the Dirt and Soil to arise from all such sweeping and cleansing to be collected and put together (so as not to obstruct either the Carriage or Footway, or the Channel or Watercourse aforesaid), in order that the same may be removed by the Scavenger or other Person to be employed for that Purpose, upon pain of forfeiting any Sum not exceeding Twenty Shillings for every Neglect therein.

Pavements to be swept.

LIV. And be it further enacted, That the said Commissioners may and they are hereby empowered, if they shall think fit and necessary, from Time to Time to appoint a sufficient Number of fit and able-bodied Men to patrol, watch, and guard the Streets, Lanes, and other public Passages and Places within the Limits of this Act, or any Part or Parts thereof, for and during such Periods of the Year as the said Commissioners shall think fit, and to make such Allowances to such Watchmen for their Trouble and Attendance, and to give such Orders and Directions concerning the Manner in which the said Watchmen shall be armed and stationed for the due and regular Performance of their said Service, as the said Commissioners shall judge proper and expedient, and from Time to Time to remove any of the said Watchmen, and appoint others in their Stead; and it shall be lawful for the said Watchmen so to be appointed as aforesaid, or any of them, and they are hereby respectively authorized, directed, and required, to apprehend and secure in some Place of Safety all suspicious Persons, Prostitutes, Night-walkers, and Persons misbehaving themselves during the Time of keeping Watch and Ward, and to carry all such Persons as soon as conveniently may be before some Justice of the Peace for the said County of *Northumberland*, to be examined and dealt with according to Law.

Power to appoint Watchmen.

LV. Provided always, and be it further enacted, That all such Watchmen as aforesaid shall, before they begin to act, be approved of and sworn in as Constables by or before any Justice or Justices of the Peace, and act as such while in execution of the Powers and Authorities of this Act, and they are hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, and shall be subject and liable to such and the like Penalties and Forfeitures, as any Constable or Constables is or are invested with or have and enjoy or is or are or shall be subject or liable to by Law; and all Persons so sworn in as Constables shall and they are hereby directed and required to fix up and keep constantly placed

Watchmen to be sworn as Constables.

placed over the Door of their Dwelling, or on some other Conspicuous Part thereof, a Board with the Words "A Constable here" inscribed thereon in plain legible Characters, and which Boards so inscribed shall be provided by the said Commissioners.

Watchboxes to be provided.

LVI. And be it further enacted, That the said Commissioners may from Time to Time set up, place, and fix Boxes against the Sides of Houses, Buildings, and in other Places in the Streets, Lanes, or other public Passages and Places within the Limits of this Act, proper for the Use and Accommodation of Watchmen, in case they shall think proper to appoint Watchmen for the Safety and Protection of the Inhabitants thereof; and in case any Person or Persons shall displace, overturn, damage, or injure such Boxes when so fixed, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Power to reward Watchmen.

LVII. And be it further enacted, That it shall and may be lawful for the said Commissioners to cause Rewards in Money to be paid out of the Monies arising by virtue of this Act to the Watchmen appointed or to be appointed who may be disabled or wounded in the Execution of their Office, as they the said Commissioners shall think reasonable.

Penalty on Watchmen misconducting themselves.

LVIII. And be it further enacted, That if such Watchmen, or any of them, shall not observe, perform, and keep the Orders, Rules, and Regulations which shall be made for the Purposes aforesaid by the said Commissioners, or shall in any Manner neglect their Duty, every Person so offending shall forfeit and pay for every such Neglect or Offence any Sum not exceeding Forty Shillings, and shall, if the Commissioners think proper, be immediately discharged from his Office or Employment.

Penalty on Publicans harbouring Watchmen.

LIX. And be it further enacted, That if any Victualler or Keeper of a Public House shall knowingly and willingly harbour or entertain any Watchman to be employed under or by virtue of this Act, or permit or suffer any such Watchman to remain in such his, her, or their Public House during any Part of the Time appointed for his being on Duty as aforesaid, every such Victualler or Keeper of a Public House shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For preventing dangerous Annoyances.

LX. And be it further enacted, That from and after the Commencement of this Act, if any Person or Persons shall place or put out, or cause or permit to be placed or put out, any Garden or other Pots (except the same shall be perfectly secured to the Satisfaction of the said Commissioners or their Surveyor from falling), or any other Matter or Thing, from or on the Outside of the Fronts, or any other Parts of any House or Houses, Buildings or Premises, over or next unto any Street, Lane, Passage, or Place within the Limits of this Act, and shall not immediately remove all such Matters or Things on being thereunto required by the said Commissioners, or their Surveyor, Inspector, or other Person or Persons employed by them, or having

having removed such Matters or Things on being required so to do as aforesaid, shall again be guilty of any such Offence, or shall at any Time leave the Coal Plate or other Covering of or belonging to any Hole or Funnel leading to any Cellar unfastened, or without being properly fastened and secured from moving, or shall leave open after Sunrise and before Sunset the Aperture of any Coal or other Cellar, or the Door or Window of or Opening leading into any Area, Cellar, or other under-ground Room or Apartment, without having placed or left a sufficient Fence round the same to warn and prevent Persons passing in the Streets, Lanes, Passages, and Places within the Limits of this Act, from falling into such Apertures, Coalholes, Areas, Cellars, or other under-ground Rooms, Apartments, or Openings; or shall leave open after Sunset and before Sunrise the Aperture of any Coal or other Cellar, or the Door or Window of or Opening leading into any Area, Cellar, or other under-ground Room or Apartment, without having sufficiently guarded or protected the same, and placed and left a sufficient Light therein to warn and prevent Persons passing in the Streets, Lanes, Passages, and Places within the Limits of this Act, from falling into such Apertures, Areas, Cellars, or other under-ground Rooms, Apartments, or Openings, then and in every such Case the Person or Persons who shall be guilty of any such Offence shall forfeit and pay any Sum not exceeding Five Pounds, and the Occupier of the House or Building, or of any Part thereof, where any such Matter of Annoyance shall happen, shall also be deemed and taken to be a principal Offender, and shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXI. And be it further enacted, That if any Person or Persons shall, upon any of the Footways or Foot Pavements in any of the Streets, Lanes, Passages, or Places in the said Town, run, draw, drive, haul, drag, or carry any Truck, Wheel Sledge, Wheelbarrow, Handbarrow, Bier, or other Carriage whatsoever, or any Ladder or long Piece of Timber, or Iron or Stone, or beat or shake any Carpet; or thereon roll any Cask or Tub further than the Extent of the Premises in the Occupation of the Person or Persons from or to whose House or Building such Cask or Tub shall be rolled for the loading or unloading thereof; or thereon wilfully drive any Cart or Carriage whatsoever; or thereon ride, lead, or drive any Horse or other Beast or other Cattle whatsoever, or wilfully permit or suffer any Horse or other Beast or Cattle which such Person may be riding, leading, or driving, to go thereon; or shall tie or fasten any Horse or other Cattle to any House, Wall, Fence, Post, Tree, or other Thing whatsoever, across any of the said Footways or Foot Pavements; or thereon fix or use, without the Consent and Leave of the said Commissioners, any Stall, Tent, Shed, or Standing Place for the Exhibition or Sale of any Goods, Wares, or Merchandize; or fix or use thereon any Block or Working Place, or place the same respectively, without such Leave and Consent as aforesaid, so near to any of the said Footways or Foot Pavements as in any Manner to obstruct the passing thereon; or thereon put, place, or lay, and suffer to remain, any Cask, Tub, Pail, Bucket, Stool, Bench, or any other Matter or Thing, so as to cause any Obstruction or Impediment to Passengers; or throw, cast, lay, or sift any Ashes (except in Time of Frost only to prevent Accidents),

For prevent-
ing Nuisances
in the Streets.

[*Local.*]

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or slide or skate during Frost on any Footway or Foot Pavement, or on the Road or Way in any such Streets, Lanes, Passages, or Places, or shall in any other Manner wilfully obstruct the free Passage of any Footway or Footways; or leave open after Sunset the Door or Window of any Cellar or under-ground Room or Apartment, without having placed or left a sufficient Light therein to warn and prevent Persons passing in the Streets, Lanes, and public Passages of the said Limits, from falling into such Cellars or other under-ground Rooms or Apartments; or do or cause to be done any Injury, Damage, or Nuisance in or to any public Walk or Walks, or Footpaths or Causeways, or to any Trees, Plantations, Shrubs, Hedges, Posts, Rails, or Fences in or upon or near to the same, or bathe in any Stream or Water adjoining the same; or if any Person or Persons shall, in any Street, Lane, Passage, or Place in the said Town, burn any Cork, or hoop, fire, cleanse, wash, scour, or scald any Cask or Tub, or hew, saw, bore, or cut any Stone, Wood, or Timber, or make or repair, or wash or clean any Coach, Chaise, Waggon, Sledge, or other Carriage, or the Wheel, Body, Springs, or other Part of any Coach, Chaise, Waggon, Sledge, or other Carriage (except such as may want immediate Repair from any sudden Accident on the Spot, such immediate Repair to be done and completed with all convenient Speed); or therein hang out or place, or cause to be hung out or placed, any Linen or Woollen Cloth, or any Article of Wearing Apparel, or any Goods, Wares, or Merchandize whatsoever, or any Fish, Fruit, Vegetables, or Garden Stuff, Butcher's Meat, or other Article, Matter, or Thing, either for Sale or any other Purpose, at the Outside of any House or Shop, or of any Door, Window, or Balcony, or fix or tie up any Line, Rope, or Cord for any of such last-mentioned Purposes, or draw out to project over the Footways any Awnings or Blinds to any Shop or Building, so as to impede Passengers; or therein shoe, bleed, farry, or kill any Horse or other Beast or Cattle (except in case of Accident); or clean, dress, or exercise, drive or turn loose any Horse or other Beast, or exhibit or expose any Stallion, or turn loose or suffer to stray any Horse, Mule, Ass, or Cattle, or Pig, or other Beast; or expose for Sale (except upon the usual Market Days and Fair Days, or in the Place or Places appointed by the said Commissioners,) any Horse or other Beast or Cattle; or wilfully break, or aid, abet, or assist in wilfully breaking, any Window or Window-pane in or belonging to any Dwelling House or other Building; or kill or slaughter, or scald, singe, dress, or cut up any Animal, either wholly or in part; or cause or permit any Blood or noisome Fluid to run or flow from any Slaughter House, Butcher's Shop, Shambles, or other Place, or any Soap-suds or noisome Fluid to run or flow from any Premises, into the said Streets, Lanes, Passages, or Places, or any of them; or at any Time throw out of any Door, Window, or other Place, into or upon any of the said Streets, Lanes, Passages, or Places, any Filth or other noisome or offensive Matter or Thing, or any Water; or stop up or impede the Course or Passage of any Common Sewer, Drain, Ditch, or Watercourse, or carry, empty, convey, or discharge therein any Filth, Rubbish, or offensive or noisome Matter or Thing; or permit or suffer any Mastiff or Bull-dog, or any other dangerous Animal to go at large, without being safely or securely muzzled; or suffer or permit any Dog whatever to go at large in any of

the said Streets, Lanes, Passages, or Places, after any public Notice given by the public Crier or Bellman, by Order of any Two Justices of the Peace, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of Hydrophobia or Canine Madness; or therein drive any Cart, Waggon, or other Carriage, without holding the Reins for the Guidance thereof in his or her Hands, or not keep his Left Side of the Street, Road, or Way, or not readily and promptly turn out of the Road or Way on meeting any Horses, Coaches, Waggons, Carts, or other Carriages, so as to leave proper and sufficient Quarter for such Horses and Carriages, or (being the hindermost of Two or more Coaches, Waggons, Carts, or other Carriages travelling in the same Course or Direction,) attempt to pass the foremost Coach, Waggon, Cart, or other Carriage, so as to impede or obstruct the Passage of any Coach or other such Carriage, or any Horse or Horses coming from the opposite Direction and being on their proper or Left Side of the Street, Road, or Way, or by any other Means needlessly obstruct the Passage, so as not to leave proper and sufficient Room for other Horses and Carriages; or ride any Horse or Beast furiously, or drive any sort of Carriage whatsoever furiously, so as to endanger or excite a reasonable Apprehension of Danger to the Life or Limb of any other Person, or do any Injury to public or private Property by furious or negligent riding or driving; or attach or suffer to be attached any Cart or Carriage, without a Horse or Horses thereto, behind or at the Side of any other Carriage or Vehicle (except Wheel Carriages attached to Stage Waggons); or drag or cause to be dragged any Timber, Stone, or other heavy Substance, otherwise than on Wheels or Wheel Carriages; or suffer any Timber, Stone, or other heavy Substance, which shall be carried principally or in part on Wheels or Wheel Carriages, to drag or trail upon the Street, Pavement, or Way, to the Prejudice thereof; or in any Manner whatever wilfully hinder, obstruct, or prevent the free Passage in any of the said Streets, Lanes, Passages, or Places, by placing therein any Timber, Wood, Stone, or other Matter or Thing, or any unloaded Carriage of any sort or kind soever, or by tying up any Horse or Animal at the Side or Sides of the said Streets, Lanes, Passages, or Places, or by any other Means whatsoever, or assist in so doing; or fire any Blunderbuss, Musket, Gun, Pistol, or other Fire Arms, (except in case of Necessity,) or make or cause to be made, or assist in the making of any Bonfire or Fire, or tie up or exhibit, with Intent to burn, any Effigy, or throw or let off any Cracker, Squib, Rocket, Fireball, or other Firework, or fly any Kite, or trundle any Hoop, or play at Football or any other Game, to the Annoyance of any Inhabitant or Passenger; or indecently expose his or their Person or Persons; or be drunk, or excite or join in any Brawl, or otherwise disturb the public Peace; or sell or assist in selling by Auction, Outcry, or Blast of Horn, without the Leave of the said Commissioners, any Cattle, Goods, Chattels, Wares, Merchandize, or other Matters or Things whatsoever; or throw, cast, lay, strew, scatter, or place any Fruit, Herbs, Refuse of Fruit or Garden Stuff, Fish, Offal, Filth, Nightsoil, Manure, Soot, Ashes, or Rubbish, or any Lime, or slake or sift or skreen any Lime, or wet, mix, or make any Mortar; or bait or cause to be baited any Bull, Bear, or other Animal; or throw at any Cock or other Fowl, or set up any Cock or
other

other Fowl to be thrown at; or throw or cast any Animal or Carcase, or any Offal, Filth, or offensive Matter or Thing, into any Stream or Water, or any public or private Well, Pump, Pool, or Reservoir for Water; or wilfully fire or set on fire any Chimney within the said Town; or if any Person or Persons whomsoever, driving or having the Care or Management of any Waggon, Cart, Caravan, Stage Coach, Chaise, Gig, or any other Carriage or Vehicle of any sort or kind whatsoever, shall suffer the same to remain or continue standing in any of the said Streets, Lanes, Passages, or Places, longer than shall be actually necessary for the loading or unloading of such Carriage or Vehicle; or if any Person or Persons driving or having the Care or Management of any such Carriage or Vehicle shall, during the Time the same shall be in Motion, withdraw or place himself, herself, or themselves, or otherwise stand or be in such a Situation as not to have the absolute Controul, Power, and Management of the Horse or Horses, or other Animal or Animals drawing such Carriage or Vehicle; or if any Blacksmith, Whitesmith, Coachsmith, Nailmaker, Chainmaker, Cutler, or other Person using or working at a Forge, and having a Door or Window fronting the Street, Lane, or Way, shall not, by good and close Doors and Shutters, every Evening after Sunset, bar and prevent the Light from such Shop shining into or upon the said Street or Road; or if any Blacksmith shall omit or neglect to rail or guard in front his shoeing Shed; or if any Hawker, Higler, Showman, Gipsy, or other Person or Persons travelling with any Carriage, Vehicle, or Machine, with or without any Horse, Mule, or Ass, shall abide or remain, or fix any Tent, Stall, Booth, or Stand, in any Street, Lane, Passage, or Place in the said Town, except in the Market Place of the said Town, without the Consent of the said Commissioners, or commit any Obstruction, Disturbance, or Annoyance whatsoever in or upon any Street, Lane, Passage, or Place within the said Town; every Person offending in any or either of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and it shall be lawful for the said Commissioners, or any Officer appointed by virtue of this Act, or for any Constable or Peace Officer, to take away and remove any of the before-mentioned Obstructions, in case the Party occasioning the same shall not forthwith remove the same within a reasonable Time after being required so to do by any Person or Persons whomsoever.

Commissioners may purchase Houses, &c.

LXII. And be it further enacted, That for the Purpose of making the narrow Parts of the Streets, Lanes, and other public Passages and Places, safe and commodious for Carriages and Passengers, and for opening proper Communications between any of the said Streets, Lanes, and other public Passages and Places, or any of them, and for altering, widening, and improving the present Communications between the said Streets, Lanes, and other public Passages and Places, or any of them, and for otherwise improving the said Town of *North Shields*, it shall be lawful for the said Commissioners to treat and agree with such Person or Persons, or Body or Bodies Politic or Corporate, Spiritual or Lay, respectively, as shall be or be deemed to be Owner or Owners of or interested in any Houses, Buildings, Erections, Projections, Encroachments, Lands, Tenements, or Hereditaments within the Limits of this Act, as they the said

said Commissioners shall think right and proper to be taken or used for the Purpose of making such Improvements, for the absolute Purchase thereof respectively, or for any Damage to be sustained by the Proprietors thereof in effecting such Improvements.

LXIII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or Years, or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees for Lunatics and Idiots, Executors and Administrators, 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, and other Persons under any Disability of acting for themselves, who are or shall be seised or interested in their own Right, and for all and every other Person or Persons whomsoever, who now are or shall at any Time or Times hereafter be seised or possessed of or in any Way interested in any such Messuages, Houses, Shops, Buildings, Lands, Tenements, or Hereditaments within the Limits of this Act, which the said Commissioners shall at any Time or Times hereafter be desirous to purchase for any of the Purposes aforesaid, to contract and agree at any Time or Times, and from Time to Time, with the said Commissioners for the absolute Sale thereof, or any Part or Parts thereof, and to sell and convey the same, or any Part or Parts thereof, and all the Estate, Right, Title, and Interest whatsoever of, in, and to the same, unto the said Commissioners for the Purposes aforesaid; and all Contracts, Bargains, Sales, Surrenders, 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 Inrolment or Registry, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Persons so conveying, but also to convey all the Right, Estate, and Interest, Trust, Use, Property, Possession, Claim, or Demand whatsoever of their several Cestuique Trusts, and all Persons whomsoever claiming or having Title, to claim by, from, through, or under them, and of all Persons entitled in Remainder or Reversion expectant on any particular Estates, and the same shall be considered and deemed to bar and shall bar all Dower of the Wife or Wives of such Party or Parties, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of the same Party or Parties claiming under them or any of them respectively, any Law, Statute, or Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Tenants for Life, Fee Simple, or in Fee Tail, General or Special, and all Feoffees in Trust, Husbands, Guardians, Committees, and Trustees, Executors, and Administrators, and all other Persons whomsoever, are and shall and they are hereby fully indemnified for what they shall respectively do by virtue and in pursuance of this Act.

Power to
Bodies Politic
and others
to sell.

Form of
Conveyance.

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

I [or We] in consideration of the Sum
of to me [or us] paid by the Commis-
sioners for improving the Town of *North Shields*, acting by virtue
of an Act passed in the Ninth Year of the Reign of King *George*
the Fourth, intituled [*here set forth the Title of this Act*], do hereby
grant and convey to the said Commissioners and their Successors,
all [*describe the Premises,*] and all my [or our] Right, Title, and
Interest to and in the same and every Part thereof, to hold to the
said Commissioners and their Successors for ever. In witness
whereof I [or we] have hereunto set my Hand and Seal, [or our
Hands and Seals,] this Day of in
the Year of our Lord

And every such Sale, Conveyance, and Assurance made in manner or to the Effect aforesaid, shall be valid and effectual to all Intents and Purposes, and shall be sufficient in Law to vest the Property of and in any such Lands, Messuages, Houses, Shops, Buildings, Tenements, and Hereditaments, in the said Commissioners and their Successors for the Uses and Purposes of this Act; any Law, Statute, Usage, or other Matter or Thing to the contrary thereof notwithstanding.

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

LXV. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity 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 said Court in a summary Way by the Person or Persons who would have
been

1 G. 4. c. 35.

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.

LXVI. 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 Seven 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,

When less than 200*l.* and not less than 20*l.*

settled, such Nomination to be approved of by Seven 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 of *England* in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

When less than 20l.

LXVII. 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 so entitled respectively.

Persons in Possession presumptively entitled.

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

The Court may order reasonable Expences of Purchases

LXIX. 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

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.

to be paid
by the Com-
missioners.

LXX. And be it further enacted, That every Sum of Money to be agreed for as aforesaid shall be paid out of the Rate or Assessment herein authorized to be raised and levied for the Purpose of such Improvements as aforesaid, to the Party or Persons respectively entitled to such Monies, or their Agents; and upon Payment thereof, or, in case of Inability to receive and give a Discharge for the same, on placing the same in the Bank of *England* in manner by this Act directed, whether such Conveyance as aforesaid shall or shall not be made, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons respectively (unto or to whose Credit or Use the same shall have been paid) of, in, to, or out of such Messuages, Buildings, Houses, Warehouses, Shops, Lands, Tenements, or Hereditaments, shall vest in the said Commissioners and their Successors respectively, in Trust for effecting the Purposes of this Act, and they shall be deemed in Law to be in the actual Seisin or Possession thereof to all Intents and Purposes whatsoever; and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons unto or to whose Use or Credit such Payment shall have been made as aforesaid, but also shall extend to and be deemed and construed to bar the Dower and Dowers, and all Right and Title thereto, of the Wife and Wives of such Person or Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons, and every Person claiming under them.

For Payment
of Purchase
Money, &c.
and for vest-
ing Property
in the Com-
missioners.

LXXI. And be it further enacted, That after Payment of the Purchase Money as herein-before mentioned, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, from Time to Time to cause all and every the Houses and other Buildings, Erections, Projections, and Encroachments which shall at any Time be purchased under the Powers and for the Purposes of this Act, or any of them, or any Part of them, to be appropriated to the Purposes of this Act, or otherwise to be taken down, and to cause the Sites thereof, or so much of such Sites as they shall think proper, to be added to or laid into the Streets, Lanes, or other public Passages or Places, or to be formed and made into any new Streets, Lanes, or public Passages or Places, for the Purposes of making Communications between any of the present Streets, Lanes, or other public Passages or Places, in such Manner as the said Commissioners shall judge proper; and the Land

Power to pull
down Build-
ings pur-
chased for
the Purposes
of the Act.

so added to or laid into the respective Streets, Lanes, or other public Passages or Places respectively, shall for ever afterwards be deemed Part thereof, and the same, and also such as shall be formed and made into any new Streets, Lanes, or other public Passages or Places as aforesaid, shall be used as common public Highways.

For the Sale
of Land not
wanted.

LXXII. And be it further enacted, That it shall be lawful for the said Commissioners to sell and dispose of, and by Indenture or Indentures, Surrender or Surrenders, under the Hands and Seals of any Seven or more of them, to grant, convey, and surrender, by way of absolute Sale in Fee Simple, or otherwise, according to the Nature and Tenure thereof, for a Consideration in Money, all or any Part or Parts of the Houses, Buildings, Lands, Tenements, or Hereditaments which may have been so purchased, and which shall not be wanted for the Purposes of this Act; and upon Payment of the Money which shall arise by or from the Sale or Sales of such Houses, Buildings, Lands, Tenements, or Hereditaments, or of any Part or Parts thereof, it shall be lawful for the said Commissioners or any Seven or more of them to sign and give a Receipt or Receipts for the Money for which the same shall be sold, which Receipt or Receipts shall be a sufficient Discharge or sufficient Discharges to any Person or Persons for the Money therein and thereby expressed or acknowledged to be received; and such Person or Persons having *bonâ fide* paid the same, shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or any Part thereof.

The Words
"Grant, bargain,
and sell"
to operate as
Covenants.

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

Commissioners
to make
a Rate once
in every
Year.

LXXIV. And be it further enacted, That the said Commissioners shall and they are hereby authorized, empowered, and required, Once in every Year, to rate and assess as herein-after mentioned, the Tenants or Occupiers of all Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments in the Township of *North Shields*, and of all detached Houses not forming or being Part of a Street, and of all Lands occupied solely as Gardens or for the Purposes of Husbandry, within the Limits of this Act, in any Sum not exceeding One Shilling
and

and Four-pence in the Pound; and the Tenants or Occupiers of all other Houses, Buildings, Tenements, and Hereditaments within the Limits of this Act, (save and except any Houses, Buildings, and other Hereditaments occupied for the Purposes of any public Charity, and also all public School Rooms, and which are not intended to be made liable to the Rates hereby imposed, and also save and except all Tithes and Market Tolls and other customary Payments due and payable to the Lord of the Manor of *Tynemouth*.) in any Sum not exceeding the Sum of Two Shillings in the Pound, according to the yearly Value of such respective Premises, as the same are or shall at the Time of making such Rate or Assessment be respectively rated to and for the Relief of the Poor; and the Monies so to be rated and assessed shall from Time to Time be paid by the Tenants or Occupiers of the said respective Premises, by equal quarterly Payments, to the Collector or Collectors to be appointed as herein mentioned, and shall be forthwith paid over by such Collector or Collectors into the Hands of the Treasurer to the said Commissioners, or such Person or Persons as the said Commissioners shall from Time to Time appoint to receive the same.

LXXV. Provided always, and be it further enacted, That all Churches, Chapels, Meeting Houses, and Places for Religious Worship, and all Churchyards and Meeting House Yards, situate on the Sides of or forming Part of any of the Streets, Lanes, or other public Passages or Places within the Limits of this Act, shall also Once in every Year be rated and assessed by the said Commissioners for raising Money for the Purposes aforesaid, by the Yard running Measure, that is to say, at One Shilling *per* Yard running Measure of the whole Length of such Churches, Chapels, Meeting Houses, and Places for Religious Worship, Churchyards and Meeting House Yards, fronting or abutting upon any of such Streets, Lanes, or public Passages or Places; and that every of the said Rates or Assessments so made from Time to Time shall be paid for such Churches, Chapels, Meeting Houses, and Places for Religious Worship, Churchyards and Burying Places, by the Persons following; (that is to say,) such Rates or Assessments of or for any Churches or Churchyards shall be paid by the Churchwardens of the Parish of *Tynemouth*, out of the Church Rates; and such Rates or Assessments of or for any Chapels or Meeting Houses and Places for Religious Worship, shall be paid by the respective Ministers and Deacons or Persons usually officiating therein, or by the Owner or Owners or Proprietor or Proprietors thereof respectively, or any Person or Persons who shall receive or collect any Money for the Seats or Pews therein, or any other Money arising therefrom; and such Rates or Assessments of or for any Meeting House Yards or other Burial Places, not being Churchyards, shall be paid by the Owners or Proprietors thereof respectively, or by the Persons who for the Time being shall receive the Money which shall be paid for the Interment of the Dead therein; and that all and every such Persons respectively shall be charged with and shall pay such Sums of Money as shall from Time to Time be rated, assessed, or imposed on or in respect of or for such Premises respectively; and that the same Rates and Assessments may be recovered from all and every such Persons respectively, in such

Public Buildings to be rated.

Manner

Manner as other Rates and Assessments are directed to be recovered and applied in and by this Act.

Commissioners may appoint Assessors and Collectors.

LXXVI. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and empowered, yearly and every Year, and as often as Occasion shall require, to nominate and appoint Twelve Persons, and out of such Number to elect, by Ballot or otherwise, as the said Commissioners shall think fit, Two or more able and sufficient Inhabitants residing within the Limits of this Act to be Assessor or Assessors; and yearly in like Manner to nominate and appoint Twelve Persons as aforesaid, and out of such Number, by Ballot or otherwise, as the said Commissioners shall think fit, to elect Two or more able and sufficient Inhabitants within the Limits aforesaid to be Collector or Collectors for the Purposes of this Act; and in case any Person or Persons so to be appointed Assessor or Assessors, or Collector or Collectors as aforesaid, shall neglect or refuse to take upon himself or themselves such Office or Offices respectively, every Person so neglecting or refusing shall for every such Offence forfeit and pay the Sum of Five Pounds, to be applied by the said Commissioners for or towards the general Purposes of this Act; provided that no Person who shall have been appointed to and served the Office of Assessor or Collector under this Act, or who shall have paid the Penalty hereby imposed for neglecting or refusing to take upon himself either of such Offices, shall be liable to be again appointed to or pay the Penalty for neglecting or refusing to perform the same Office, for the Space of Seven Years afterwards.

Assessors to make a Pound Rate, according to the Poor's Rate Schedule.

LXXVII. And be it further enacted, That the said Assessor or Assessors shall and they are hereby empowered and required to make an equal Pound Rate upon all and every the Tenants or Occupiers of any House, Building, Yard, Garden, Tenements, and Hereditaments within the Limits of this Act (except as aforesaid), according to the annual Values of such Premises respectively, as the same are or shall at the Time of making such Assessment be respectively rated to and for the Relief of the Poor.

Regulations as to making the Rates.

LXXVIII. And be it further enacted, That the said Assessor or Assessors shall sign their said Rate or Assessment, and deliver the same to the said Commissioners, at such Time as the said Commissioners shall direct in that Behalf; and the said Rate or Assessment so to be made as aforesaid shall be signed by the Chairman of the Meeting of the said Commissioners, and by any Seven or more of the Commissioners present at the Meeting at which the same shall be allowed, and no Rate or Assessment shall be valid until the same shall be so signed as aforesaid.

Poor's Rates to be inspected.

LXXIX. And be it further enacted, That the said Commissioners, and their Clerk or Clerks, Assessor or Assessors, or other Person or Persons to be appointed by them or any Seven or more of them, by Writing signed by them, shall and they are hereby required to inspect or take Copies of or Extracts from any of the said Rates made for the Relief of the Poor of the several Townships within the Limits of this Act,

Act, as often as they may find it convenient and necessary so to do, which Inspection, Copies, or Extracts, the Person or Persons having the Custody of such Rates is and are hereby required to permit and suffer to be made without Fee or Reward; and in case such Person or Persons shall neglect or refuse so to do, he or they shall for the First Offence forfeit the Sum of Twenty Shillings, for the Second Offence the Sum of Forty Shillings, and for the Third and every other Offence the Sum of Five Pounds.

LXXX. And be it further enacted, That if at any Time hereafter, from any Alteration in the Laws relating to the Poor, or from any other Cause whatsoever, the Rate for the Relief of the Poor of the Townships within the Limits of this Act shall, in the Opinion of the said Commissioners at any Meeting to be convened for that Purpose by Notice to be given in manner herein-before directed respecting Notices of Special Meetings, be deemed an unfair or unequal Criterion by which the Rates or Assessments under this Act shall be or ought to be made, then and in such Case or Cases it shall and may be lawful for the said Commissioners, and they are hereby empowered and required, Once in every Year, to make such Rates and Assessments as aforesaid in any Sum not exceeding One Shilling and Four-pence in the Pound upon the full improved yearly Value of all Houses, Buildings, Yards, Gardens, Lands, Tenements, and Hereditaments in the Township of *North Shields*, and of all detached Houses not forming or being Part of a Street, and of all Lands occupied solely as Gardens, or for the Purposes of Husbandry, and in any Sum not exceeding Two Shillings in the Pound upon the full improved yearly Value of every other House, Building, Tenements, and Hereditaments within the Limits of this Act (except as aforesaid), for and notwithstanding the Provision herein-before contained to make the same according to the yearly Value thereof as the same are or shall be rated to and for the Relief of the Poor of the said Townships within the Limits of this Act.

Power for the Commissioners to rate at full Value, if the Poor's Rate is not a fair Criterion.

LXXXI. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby empowered, upon the Complaint of any Occupier of a Dwelling House or other Hereditaments subject to the Payment of the said Rates or Assessments, to mitigate, reduce, lessen, remit, or excuse for or on account of his, her, or their Poverty or Inability, or any other good and sufficient Cause, Payment of the said Rate or Assessment, or any Part thereof.

Commissioners may reduce or remit Rates on account of Poverty.

LXXXII. Provided always, and be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any House, Tenement, or Hereditaments rated or assessed or liable to be rated or assessed by virtue of this Act, such Person or Persons shall be liable to pay such Rate or Assessment in proportion to the Time that he, she, or they occupied the same respectively, in like Manner as if such Person or Persons had not removed from or quitted the same; and in all Cases where any Person or Persons shall come into or occupy any House, Tenement, Hereditaments, and Premises rated or assessed or liable to be rated or assessed as aforesaid; out of or

Rates to be apportioned on Change of Occupiers.

from which any Person or Persons who shall have been rated or assessed for the same shall be removed, or which at the Time of making any such Rate or Assessment was empty or unoccupied, the Person or Persons coming into or occupying the same shall be liable to pay such Rate or Assessment, although his, her, or their Name or Names may not be inserted in such Rates or Assessments; in proportion to the Time that such Person or Persons shall occupy the same, and in like Manner as if he, she, or they had been originally rated or assessed by Name for such House, Tenements, or Hereditaments; which said respective Proportions, in case of Dispute, shall be ascertained and settled by the said Commissioners.

Recovery of Rates.

LXXXIII. And be it further enacted, That in case any Person or Persons who shall be rated or assessed or subject or liable to the Payment of any Rate or Assessment to be made or laid on as aforesaid, shall refuse or neglect to pay his or her Proportion or Proportions as aforesaid of any of the said Rates or Assessments to any Collector or Collectors to be appointed as aforesaid, for the Space of Ten Days next after personal Demand thereof made, or Demand thereof in Writing left at the usual or last Place of Abode of such Person or Persons, it shall be lawful for any Two Justices of the Peace of the Town, County, or Place wherein such Person or Persons so neglecting or refusing shall be or reside, upon Proof made upon Oath of such Demand and Nonpayment, (which Oath either of the said Justices is hereby empowered and required to administer,) by Warrant under the Hands and Seals of such Justices (which they are hereby empowered to grant), to authorize and direct the said Collector or Collectors to levy such Rate or Monies so in arrear, together with the Costs and Charges attending the same, to be ascertained by such Justices, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay as aforesaid, rendering the Overplus (if any) upon Demand, to the Owner or Owners of the said Goods and Chattels; and in default of such Distress, it shall and may be lawful to and for such Justices to commit such Person or Persons to the House of Correction of *Tynemouth*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until Payment of such Sum or Sums of Money as shall have been found to be due and in arrear upon all or any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences, to be ascertained by the said Justices.

Persons aggrieved by the Rate may appeal to the Commissioners.

LXXXIV. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, he or she may apply to the said Commissioners at their First or Second Meeting to be holden after the demanding of such Rate or Assessment, and the said Commissioners are hereby authorized and empowered, if they shall think such Person aggrieved, to give such Relief in the Premises as to them shall seem reasonable; and if any Person shall be dissatisfied with the Determination of the said Commissioners therein, such Person or Persons may appeal, in the Manner herein-after mentioned, to a General or Quarter Sessions of Justices of the Peace, to be holden in

the

the said County of *Northumberland*, whose Determination therein shall be final and conclusive.

LXXXV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to borrow and take up at Interest any Sum or Sums of Money not exceeding the Sum of Five thousand Pounds, for the Purposes of this Act, upon the Credit and Security of the Rates and Assessments hereby granted and made payable, and by Writing under the Hands and Seals of any Seven or more of them to grant, demise, or assign all or any Parts of such Rates and Assessments to the Person or Persons who shall advance or lend any Money thereon, or his, her, or their Trustees or Trustee, as a Security for the Payment of the Principal Money so to be advanced, with Interest for the same; and every such Security shall or may be in the Words or to the Effect following; (that is to say,)

Power for Commissioners to borrow Money on Security of the Rates.

‘ BY virtue of an Act [*here insert the Title of this Act*], We
 ‘ being of the Commissioners appointed
 ‘ by and in pursuance of the said Act, in consideration of the Sum
 ‘ of this Day advanced and lent by
 ‘ upon the Credit and for the Purposes of this Act, do hereby grant,
 ‘ bargain, sell, and demise unto the said
 ‘ his Executors, Administrators, and Assigns, such Proportion of the
 ‘ Rates or Assessments arising by virtue of this Act as the said Sum
 ‘ of doth or shall bear to the whole Sum
 ‘ which may at any Time be borrowed, or become due and owing,
 ‘ or charged upon the Credit of the Assessments granted by the said
 ‘ Act, to be had and holden from this Day of
 ‘ until the said Sum of with
 ‘ Interest at *per Centum per Annum* for the same, shall
 ‘ be 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 Assignment.

And all Persons to whom such Mortgages or Securities shall be made, or who shall be entitled to the Money thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Rates and Assessments equally one with another, without any Preference in respect of the Priority of advancing any such Money, or of the Dates of any such Mortgages or Securities.

LXXXVI. And be it further enacted, That in case the said Commissioners, or any Seven or more of them, shall think it advisable or more advantageous to raise any Part of the Monies necessary for the Purposes of this Act by the granting of Annuities on Lives, then it shall be lawful for the said Commissioners, or any Seven or more of them, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant Annuities out of the Rates or Assessments to be raised as aforesaid to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners any Sum or Sums of Money for the absolute Purchase of any Annuity or Annuities to be paid and payable during the natural Life of every such Contributor, or of such Person

Monies may be raised by Annuities.

as

as shall be nominated by or on behalf of such Contributor at the Time of the Payment of his or her Contribution or Purchase Money, so as that no such Annuity do exceed the Rates herein-after mentioned, and so that the whole Money to be raised upon Mortgage and by the granting of Annuities as aforesaid do not exceed the Sum of Five thousand Pounds; and the Grant of every such Annuity may be in the Words or to the Effect following; (that is to say,)

Form of
Grant of
Annuity.

WE of the Commissioners appointed by or in pursuance of an Act passed in the Ninth Year of the Reign, &c. [*here insert the Title of this Act*], in consideration of the Sum of _____ paid by _____ to _____ the Treasurer appointed in pursuance of this Act, do hereby grant unto the said _____ his Executors, Administrators, and Assigns, an Annuity or yearly Sum of _____ out of the Rates or Assessments arising by virtue of the said Act, which Annuity or yearly Sum of _____ shall be paid to the said _____ his Executors, Administrators, and Assigns, upon the _____ Day of _____ in every Year, during the natural Life of _____; and the first Payment thereof shall be made upon the _____ Day of _____ next ensuing the Date of these Presents. In witness whereof we the said Commissioners have hereunto set our Hands and Seals, the _____ Day of _____

And every such Grant shall be good, valid, and effectual in the Law; and every Annuity so to be granted as aforesaid shall be and is hereby charged upon and made payable and paid, free from all Taxes and Deductions, out of the said Rents and Assessments, and shall be paid and payable at such Places within the said Town of *North Shields*, and on such Days in every Year, as shall be mentioned in such Grant.

Restrictions
as to Grants
of Annuities.

48G.3.c.142.

52G.3.c.129.

LXXXVII. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and according to the Rate prescribed by Two several Acts, one passed in the Forty-eighth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities*; and the other passed in the Fifty-second Year of the Reign of His said late Majesty, intituled *An Act for amending Two Acts passed in the Forty-eighth and Forty-ninth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*.

Notice to
be given of
borrowing
Money.

LXXXVIII. Provided always, and be it further enacted, That before any Money shall be borrowed or Annuity granted, Twenty-one Days Notice at the least shall be given by affixing a Notice upon the Door of the principal Entrance of the Parish Church of *Tynemouth*, signifying the Intention of borrowing such Money or granting such Annuities.

LXXXIX. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for Money borrowed or raised by Mortgage, and of the Annuities granted as aforesaid, and their respective Executors, Administrators, or Assigns, at any Time, by Writing under their respective Hands and Seals, to transfer such Securities to any Person or Persons whomsoever; which Transfer may be in the Words or to the Effect following; (that is to say,)

Mortgages and Securities may be transferred.

‘ I being entitled to the Sum of
 ‘ [or an Annuity of], secured to
 ‘ Executors, Administrators, and Assigns, by virtue of a Mortgage
 ‘ or Security [or Grant of Annuity], bearing Date the
 ‘ Day of under the Hands and Seals of
 ‘ being of the Commissioners acting in the Execution of an
 ‘ Act made in the Ninth Year of the Reign of His Majesty King
 ‘ George the Fourth, intituled *An Act* [here insert the Title of this
 ‘ Act], do hereby transfer all my Right and Title in and to the same,
 ‘ and all Interest or other Money now due and owing thereupon,
 ‘ unto his Executors, Administrators, or Assigns.
 ‘ Witness my Hand and Seal, the Day of

Form of Transfer.

XC. And be it further enacted, That all Mortgages, Grants of Annuities, or Securities, which shall be made in pursuance of this Act, and all Transfers thereof respectively, shall be entered by the Clerk or Clerks to the said Commissioners in a Book to be kept for that Purpose, which Entry shall specify and contain the Dates of such Securities, Names of the Parties, and the Sums of Money thereby secured, to which Book any Person or Persons interested shall at all reasonable Times have access, and he, she, or they, or the Person or Persons whom they shall appoint, shall have free Liberty to inspect the same without Fee or Reward; and for the Entry of every such Transfer the said Clerk shall be paid by the Person to whom such Transfer shall be made the Sum of Two Shillings and Sixpence and no more; and after such Entry made, and not till then, every such Transfer shall entitle the Person or Persons to whom the same shall be made, and his, her, or their respective Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any other Registry or Inrolment whatsoever; and it shall not be in the Power of such Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Money due thereon.

Mortgages and Securities to be entered in a Book.

XCI. And be it further enacted, That all Monies to be raised, collected, or received by virtue or under the Authority of this Act, shall be and the same are hereby vested in the said Commissioners; and out of the first Money arising from the Rates and Assessments which shall be collected by virtue of this Act, or out of any Money which shall be received by way of Gift or Donation, which the said Commissioners are hereby authorized and empowered to receive, or which shall be borrowed on the Credit of the said Rates or Assessments as aforesaid, the said Commissioners shall in the first place pay and discharge the Expence of obtaining this Act, and then the Interest of the Principal Money which shall be borrowed in pursuance

Application of the Money.

[Local.]

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of this Act, and shall apply the Remainder of the same Monies in paying and defraying the necessary Costs, Charges, and Expences attending the Execution of the Powers and Authorities and Directions in this Act contained, and to no other Use, Intent, or Purpose whatsoever.

Sinking Fund.

XCII. And be it further enacted, That when any Sum of Money shall be borrowed and taken up at Interest upon the Credit or Security of the said Rates, Duties, or Assessments, the Sum of Five Pounds *per Centum per Annum* on every such Sum shall (if the said Commissioners shall think it expedient at any Time to adopt a Sinking Fund,) from thenceforth be charged on this Act, and be appropriated and paid out of the Rates, Duties, and Assessments, over and besides the Interest payable on the Money borrowed, in order to form a Sinking Fund for the gradual Payment of all Principal Sum and Sums so to be borrowed; and that as often as the said Sinking Fund shall amount to the Sum of One hundred Pounds, then and in such Case that Sum shall be applied in the Payment of an equal Amount of the said Principal Money then due and owing on the Credit or Security of the said Rates, Duties, or Assessments, rateable or by Lot, among the Creditors, as the said Commissioners shall think proper.

Penalty on obstructing the Execution of this Act.

XCIII. And be it further enacted, That if any Person shall at any Time obstruct, hinder, or molest any Collector or Collectors, or other Person or Persons whomsoever who are or shall be employed to put this Act in execution, in the Performance or Execution of his or their Duty, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

How Penalties shall be recovered and applied.

XCIV. And be it further enacted, That all Fines, Penalties, and Forfeitures imposed by this Act, or by any Bye Law, Rule, Order, or Regulation made in pursuance thereof (the Application and Manner of levying and recovering whereof is not otherwise particularly directed), and the Costs and Charges of levying the same, shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant of any Justice of the Peace for the County of *Northumberland*, or other Place or County where the Offender shall reside (which Warrant such Justice is hereby required to grant), upon the Confession of the Party or Parties, or upon the Information of any credible Witness upon Oath; and all such Penalties and Forfeitures, when recovered, shall, if not directed by this Act to be otherwise applied, be paid one Moiety to the Informer or Informers, and the other Moiety to the said Commissioners; and in case of there being no Informer, or such Informer being a Commissioner or other Officer appointed under this Act, then the whole shall be paid to the said Commissioners, to be by them applied for the Purposes of this Act; and in case no sufficient Distress can be found, or such Penalties and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress,

unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalties or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or if it shall appear to such Justice, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereupon to levy such Penalties or Forfeitures, or such Costs as aforesaid, on a Warrant of Distress being issued, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit the Offender or Offenders to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

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

Compensation ordered to be paid by Commissioners may be levied by Distress of Goods.

XCVI. And be it further enacted, That in all Cases where any Damages or Charges are by this Act directed to be paid; and the Manner of ascertaining the Amount thereof shall not be specified or provided

Damages, &c. in Cases of Dispute, to be settled by Justices.

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

Justices may proceed by Summonses in the Recovery of Penalties.

XCVII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was or had been exhibited.

Transient Offenders to be taken up.

XCVIII. And whereas Offences may be committed against this Act by Persons unknown to the said Commissioners, Collectors, Surveyors, or other Officers appointed to put this Act into Execution; be it therefore enacted, That it shall be lawful for any of the said Commissioners, Collectors, Surveyors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and take him, her, or them before any Justice of the Peace for the County or Place where the Offence or Offences shall be committed, and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint.

For the more easy Conviction of Offenders.

XCIX. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all Justices of the Peace before whom any Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up according to the following Form, or in any other Form to the same Effect, as the Case shall happen; (that is to say,)

Form of Conviction.

Northumberland, } BE it remembered, That on [Time of Conviction],
 to wit. } at A. B. was convicted before
 me, for that the said A. B. on at did
 [here

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‘ [here state the Offence], contrary to the Form of the Statute made
 ‘ in the Ninth Year of the Reign of His Majesty King George the
 ‘ Fourth, intituled [here insert the Title of this Act]; and I [or we]
 ‘ do therefore declare and adjudge that the said A. B. has forfeited
 ‘ for the said Offence the Sum of _____ or shall be com-
 ‘ mitted to [Place of Imprisonment] for the Space of _____
 ‘ Given under my Hand and Seal, the Day and Year first above
 ‘ written.’

C. And be it further enacted, That no Order, Judgment, or other Proceeding made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

Conviction
not to be
quashed for
Want of
Form.

CI. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereunto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not
unlawful for
Want of
Form.

CII. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, none of the said Commissioners, nor their Clerk or Clerks, Collector or Collectors, or other Officer or Servant, nor any Inhabitant within the Limits of this Act, shall be deemed incompetent to give Evidence by reason of his being rated or assessed to or paying any Rate or Assessment, or filling or holding any Office by virtue of or under this Act; and every Justice as aforesaid, on any Complaint as aforesaid, may summon before him any competent Witness, under a Penalty not exceeding Ten Pounds, to be paid by any such Witness so summoned and making Default, after having been paid or tendered a reasonable Sum for his or her Expences, without sufficient Cause, to be allowed by such Justice, and shall give reasonable Costs to the Plaintiff or Defendant on the Determination of every such Complaint, which Costs shall be levied and paid as in Cases of Distress for Nonpayment of any Penalty imposed by this Act.

Inhabitants,
&c. may be
Witnesses.

CIII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Rate or Assessment to be made or other Matter or Thing to be done in pursuance of this Act, such Person may appeal to a General or

Appeal to
Quarter Ses-
sions against
any Rate.

[Local.]

[10 A]

Quarter

Quarter Sessions of the Peace to be holden in the said County of *Northumberland*, within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving Ten Days Notice at the least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk or Clerks to the said Commissioners, or other the Respondent or Respondents, and within Four Days next after Notice entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded by, the Justices at such Sessions; and the said Justices at such Sessions shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination therein shall be final, binding, and conclusive to and upon all Parties, to all Intents and Purposes.

Justices may amend Rates, or quash the same.

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

Actions not to be brought until after Notice given, nor after Tender of Amends.

CV. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action or Actions for any Irregularity, unless Notice in Writing shall be given, Twenty-eight Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff, specifying the Cause of such Action, to the Defendant or Defendants, or his, her, or their Attorney; nor shall the Plaintiff recover in such Action or Actions if Tender of sufficient Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the said Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

CVI. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of or under this Act, after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after the Expiration of Three Calendar Months from the Time

of the Fact being committed; and every such Action or Actions shall be laid or brought in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action shall or may, at his, her, or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or that such Action or Suit shall have been brought before Twenty-eight Days Notice given thereof as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Expiration of the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid; then the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, Defendant or Defendants, then the Plaintiff or Plaintiffs, Defendant or Defendants, as the Case may be, shall recover Treble Costs, and have such Remedy for the same as any other Plaintiff or Defendant hath in other Cases by Law.

CVII. And be it further enacted, That no Justice of the Peace shall be disqualified from acting as such Justice in any Case whatsoever within his Jurisdiction, in the Execution of this Act, only by reason of his being one of the said Commissioners for the Time being, or being an Inhabitant within the Limits of this Act, or being rated or liable to be rated to any of the Rates or Assessments to be made by virtue of this Act.

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

CVIII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, Party or Parties, to serve any Notice or Notices upon the said Commissioners, or any Writ or Writs or other Proceedings in Law or Equity, the Service thereof upon any One of the said Commissioners, or left at his usual Place of Abode, or upon the Clerk or Clerks or any other Officer of the said Commissioners, or left at the Office of such Clerk or Clerks or other Officer, or at his or their last or usual Place or Places of Abode, shall be deemed a sufficient Service of the same respectively on the said Commissioners.

Directing what shall be deemed a Service of Notice on Commissioners.

CIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to defeat, lessen, or prejudice the Right, Title, and Interest of the Most Noble *Hugh Duke and Earl of Northumberland*, as Lord of the Manor of *Tynemouth*, and the Lord or Lady, or Lords or Ladies of the said Manor for the Time being, of, in, and to the Seigniories and Royalities incident or belonging to the said Manor; but that the said *Hugh Duke and Earl of Northumberland*, and all succeeding Lords and Ladies of the said Manor for the Time being, shall and may from Time to Time, and at all Times for ever hereafter, have, hold, and enjoy all Quit Rents, Free Rents, and other Rents, Reliefs, Dues, Customs, Suits, and Services, and all Fines, Amerciaments, Courts,

Saving the Privileges of His Grace the Duke of Northumberland, as Lord of the Manor of Tynemouth.

Courts

Courts Leet, and Views of Frankpledge, Courts Baron, and all Profits and Perquisites of Courts Leet, and all Things which to Courts Leet and Views of Frankpledge and Courts Baron do belong or appertain, within and throughout the said Manor and every Part thereof, and all Goods and Chattels of Felons, Fugitives, and Felons of themselves and put in Exigent, Deodands, Treasure Trove, Waifs, Estrays, Forfeitures, Escheats, Fairs, Markets, Tolls, Customs, Stallages, Dues, Rights, Royalties, Immunities, Jurisdictions, Franchises, Privileges, Profits, Commodities, Advantages, Emoluments, Hereditaments, Matters, and Things whatsoever to the said Manor, or to the Lord or Lady, Lords or Ladies thereof for the Time being, incident, belonging, or appertaining, and to exercise all other Rights, Privileges, and Immunities, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as he, she, or they could or might have done if this Act had not been made.

Public Act.

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

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