



ANNO NONO

GEORGII IV. REGIS.

Cap. xc.

An Act for lighting, watching, cleansing, paving,
and otherwise improving the Town of *Wantage*
in the County of *Berks*. [19th June 1828.]

WHEREAS the Town of *Wantage* in the County of *Berks* is large and populous, and is a great Thoroughfare for Travellers, and the Streets, Lanes, Highways, and other public Passages and Places within the said Town, are not properly lighted, watched, and cleansed, and the same are subject to various Nuisances, Annoyances, and Obstructions; and it would tend to the Safety, Convenience, and Advantage of the Inhabitants of the said Town, and of the Public resorting thereto, if the Streets, Lanes, Highways, and other public Passages and Places within the said Town, were properly lighted, watched, and cleansed, and if the Foot Pavements were properly paved and repaired, and if such Nuisances, Annoyances, and Obstructions were removed, and if proper Regulations were made and established for the Government and Police of the said Town: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all His Majesty's Justices of the Peace acting within the Division of the County of *Berks* wherein the Town of *Wantage* is situate, and the Vicar of *Wantage* for the Time being, together with *Francis Aldworth*, *William Beckett*, *Richard Bennett*, *Josiah Burd* Clerk, *John Cowper*, *George Castle*, *Benjamin* [Local.] 21 I *Daniel*, Commissioners appointed.

Daniel, Charles Daniell, Charles Graham, John Grace, Charles Hammond, Henry Hayward, William Hazell, Thomas Hunt, Charles Tomkins Jennings Clerk, Charles Liddiard, William Mattingly, James Nunney, Robert Palmer, Thomas Palmer, Robert Pumfrey the elder, Philip Simpson, Daniel Trinder, Rice Trinder, William Trinder, William Henry Tripp, John Wise, Daniel Whitehorn, James Willoughby, Moses Whitmarsh, and their Successors, shall be and they are hereby appointed Commissioners for carrying this Act into Execution, and shall be called "The Commissioners for improving the Town of Wantage."

Qualification
of Commis-
sioners.

II. Provided always, and be it further enacted, That no Person (except His Majesty's Justices of the Peace aforesaid and the Vicar of *Wantage*) shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall be, in his own Right or in Right of his Wife, in the actual Enjoyment, Possession, or Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments of the yearly Value of Twenty Pounds, situate within the said Town, and a resident Householder in the said Town, or unless he shall be possessed as aforesaid of any Messuages, Lands, Tenements, or Hereditaments within the said Town and of some Personal Estate jointly of the Amount or Value of Two thousand Pounds, and be a resident Householder in the said Town: Provided also, that no Person shall be capable of acting as a Commissioner in the Execution of this Act during the Time he shall hold 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 under this Act.

Commis-
sioners to
take an Oath.

III. Provided also, and be it further enacted, That no Person (except His Majesty's Justices of the Peace aforesaid and the Vicar of *Wantage*) shall be capable of acting as a Commissioner in the Execution of this Act, except in administering the Oath or Affirmation herein-after mentioned, until he shall have taken and subscribed an Oath, or being a Quaker, made and subscribed an Affirmation, at a Meeting to be held by virtue of this Act, in the Words or to the Effect following; (that is to say,)

Form of
Oath.

' I *A.B.* do swear, [*or being One of the People called Quakers, do*
' *solemnly declare and affirm,*] That I am really and *bonâ fide*, in
' my own Right, [*or in the Right of my Wife, as the Case may be,*]
' in the actual Possession and Enjoyment or Receipt of the Rents
' and Profits of Messuages, Lands, Tenements, or Hereditaments of
' the clear yearly Value of Twenty Pounds, situate in the said
' Town, and that I am a Householder in the said Town, [*or that I*
' *am really and bonâ fide, in my own Right, or in Right of my*
' *Wife, as the Case may be,*] in the actual Possession and Enjoyment
' or Receipt of the Rents and Profits of Messuages, Lands, Tene-
' ments, and Hereditaments in the said Town, and am possessed of
' Personal Estates, jointly of the Amount or Value of Two thousand
' Pounds, and that I am a Householder in the said Town, and that I
' will truly and impartially, according to the best of my Skill and
' Judgment,

‘ Judgment, execute and perform all the Duties, Powers, and Authorities reposed in me as a Commissioner by virtue of an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act* [here insert the Title of this Act.]

‘ So help me GOD.’

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

IV. Provided also, and be it further enacted, That when and as often as any of the Commissioners hereby appointed (except His Majesty’s Justices of the Peace aforesaid and the Vicar of *Wantage*), or to be from Time to Time elected as herein-after is mentioned, shall die, or refuse to act, or shall cease to be possessed of Property to the Amount required by this Act, or shall cease to be a resident Householder in the said Town, qualified as herein-before mentioned, or shall otherwise become disqualified, it shall be lawful for the surviving or remaining Commissioners, or any Five or more of them, from Time to Time, at a Meeting to be held for that Purpose, to elect, and by Writing under their Hands to appoint another Person, qualified in manner by this Act required, in the Place of each Commissioner so dying, refusing, or becoming disqualified as aforesaid; and Notice of the Time and Place of Meeting for every such Election shall be given in Writing affixed on the principal Church Door or Entrance of the Church in the Town of *Wantage* aforesaid, or published in the said Church on the Two *Sundays* previous to the Meeting for every such Election; and every Person so elected and appointed, being duly qualified, and having taken or made and subscribed the Oath or Affirmation herein-before mentioned, shall have the same Powers and Authorities for putting this Act in execution, in all respects whatsoever, as if he had been named a Commissioner in this Act.

Election of new Commissioners.

V. And be it further enacted, That if any Person not being qualified as herein-before mentioned, or being or becoming disqualified by any of the Causes in this Act mentioned, shall act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds 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, wherein no Essoign, Protection, or Wager of Law, and not more than One Imparlance, shall be allowed; and the Person so sued shall prove that he was at the Time of acting qualified as aforesaid, or that he did not hold any such Place or Office of Profit or Emolument, or was not interested or concerned in any such Contract, Work, or Business, (as the Case may happen,) or otherwise shall pay the said Penalty and Costs, without any other Proof or Evidence being given on the Part of the Plaintiff than that such Person hath acted as a Commissioner in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person or Persons acting as a Commissioner or Commissioners in the Execution of this Act, though not duly qualified as aforesaid, previously to a Verdict or Verdicts being obtained against him or them for so acting contrary to the Intent and Meaning of this Act, shall, notwithstanding such subsequent Conviction, be as good, valid, and effectual as if such Person

Penalty on Commissioners for acting when not qualified.

Acts of Commissioners good before Conviction.

Person or Persons had been duly qualified to act as a Commissioner or Commissioners according to the Directions of this Act.

First Meeting
of Commis-
sioners.

VI. And be it further enacted, That the said Commissioners, or any Five or more of them, shall and they are hereby empowered and required to assemble and hold their First Meeting in the Free Grammar School, or at any other convenient Place, within the Town of *Wantage* aforesaid, upon the First or Second *Wednesday* next after the passing of this Act, between the Hours of Nine of the Clock in the Forenoon and Five of the Clock in the Afternoon, at which Meetings, so soon as Five or more Persons shall have assembled, the Persons so 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 Five 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 Four 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 Five 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 Three Calendar Months from the last Day of Meeting, at the same Place, 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 Five 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 Seven 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 to the said Commissioners shall adjourn the Meeting to some future Day, not later than Seven Days then next ensuing; of which adjourned Meeting such Clerk shall cause Notice in Writing to be given to or left at the usual Place of Abode of each of the said Commissioners, Four Days before such adjourned Meeting; and if at any Time no Adjournment, nor any Notice of an adjourned Meeting shall be made or given as aforesaid, then it shall and may be lawful for any Three or more of the said Commissioners, although not assembled at a Meeting under this Act, or for the Clerk to the said Commissioners, being directed or authorized by an Order in Writing, signed by any Three or more of the said Commissioners, to call a Meeting of the said Commissioners, by Notice in Writing, to be given to or left at the usual Place of Abode of each of the said Commissioners as aforesaid,

said, Three 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 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 Five or more of the said Commissioners, although not assembled at a Meeting under this Act, or for such Clerk, being directed or authorized by an Order in Writing, signed by any Five or more of the said Commissioners, to appoint such Special Meeting for such earlier Day, by Notice in Writing, to be given to or left at the usual Place of Abode of each of the said Commissioners, Three clear Days at the least before the Day 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.

Special
Meetings.

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 Five 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 Two 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 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 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.

Regulations
as to Meet-
ings of Com-
missioners.

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

No Act valid,
unless done
at a public
Meeting.

[*Local.*]

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Act,

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 Or-
ders.

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 Seven Days Notice in Writing shall have been given to or left at the usual Place of Abode of each of the said Commissioners, nor 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, and
be open to
Inspection.

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 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 all Entries in such Books of 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 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 Re-
ceipts and
Disburse-
ments 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 for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended in the Execution of this Act, and the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times be open to the Inspection of the said Commissioners, 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 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

Penalty
on Clerk
refusing
Inspection.

inspect such Books, Accounts, or Papers, or to take Copies thereof or Extracts therefrom, as in this Act mentioned, such Clerk, or such other Person or Persons so offending, shall forfeit and pay any Sum of Money not exceeding Five Pounds.

XIV. And be it further enacted, That at a Meeting of the said Commissioners which shall be held on the First *Wednesday* in the Month of *November* 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, Collector or Collectors, or 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 shall or may pay such Salaries, Wages, or Allowances to the said Officers and other Persons as the 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 to the Commissioners or in the Name of any One or more of the said Commissioners for the Time being.

Commissioners to appoint Officers, and take Security when necessary.

XVI. Provided always, and be it further enacted, That if any Clerk, Treasurer, 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.

Penalty on Officers taking any Fee or Reward.

XVII. 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

Officers compelled to account.

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 One or more of the said Commissioners, requiring him so to do, (to be given to or left at the last or usual Place of Abode of such Officer or Person,) refuse or wilfully neglect to make and render such Accounts, or to produce or deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or neglect to deliver to the said Commissioners, or to such Person or Persons as they shall appoint, all Books, Papers, Writings, and Effects belonging to the said Commissioners in his Custody or Power, or to give sufficient Information to the said Commissioners respecting the same, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to commence or cause to be commenced, in any of His Majesty's Courts of Record at *Westminster*, an Action or Actions against the Officer or Person making such Default as aforesaid, for the Recovery of the Monies which shall be in the Hands of such Officer or Person so refusing or making Default as aforesaid, and to recover the same, with full Costs of Suit; or it shall and may be lawful for the said 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

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 or Common Gaol 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.

XVIII. 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 Offices 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

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

[*Local.*]

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full

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.

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

XIX. 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 of their Clerk for the Time being, or in the Name or Names 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 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 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 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 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 Commissioner or Commissioners shall be personally or individually interested or concerned therein; provided also, that every or any such Clerk or Commissioner in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expences as he shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein, and shall not be personally answerable or liable for the Payment of the same, or any Part of them, unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default, or have been brought or commenced or be defended without the Order or Direction of the said Commissioners.

Clerk or Commissioner to be indemnified.

Roads within the Limits of the Act to be discontinued as Turnpikes.

XX. 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 *Wantage*, 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.

Materials, &c. vested in the Commissioners.

XXI. And be it further enacted, That all the present and future Stones, Flags, Bricks, Gravel, and other Materials of the several Streets, Lanes, Highways, and other public Passages and Places, as well of the Carriageways as Footways, within the said Town, and all the present and future public Drains, Ditches, Sewers, Tunnels, Gutters, Grates, and Sinks in the said Town, and also all the Lamps, Lamp Irons, Lamp Posts, Pillars, Pilasters, Pipes, and all Iron or other Pipes, and other Articles, Materials, Matters, and Things erected,

erected, set up, fixed, laid down, placed, or provided for the Purposes of this Act, whether above Ground or under Ground, and the Materials of all Houses and other Buildings which shall be purchased and pulled down by the said Commissioners in pursuance of this Act, and all Materials, Tools, Utensils, Carriages, Implements, and other Things which shall be purchased or provided by the said Commissioners for the Purposes of this Act, and all the Soil, Manure, Ashes, Dirt, and Rubbish which shall be deposited or laid, or be swept, gathered, or collected in the said Streets, Lanes, Highways, Passages, and Places, or any of them, shall belong to and be the Property of the Commissioners for executing this Act, and shall be and are hereby vested in the said Commissioners for the Time being; and the said Commissioners shall have full Power and Authority to sell and dispose of all or any of the said Articles and Things to such Person or Persons and in such Manner as the said Commissioners shall think proper for the Purposes of this Act; and the said Commissioners shall and may cause any Action or Actions to be brought, or direct any Bill or Bills of Indictment to be preferred, (as the Case may require,) against any Person or Persons who shall steal, take, or carry away, detain, deface, damage, injure, or destroy the several Articles and Things hereby vested in the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment shall be preferred, is or are the Property of "The Commissioners for improving the Town of *Wantage*," without stating or specifying the Names of all or any of the said Commissioners.

XXII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously break, throw down, destroy, deface, or otherwise damage or injure any of the Pavements, or any of the Articles, Matters, or Things hereby vested in the said Commissioners, or any of the Works executed by them or by their Order, in pursuance of this Act, then every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall moreover pay unto the said Commissioners such Sum of Money as shall be a full Satisfaction for the Damages so done as aforesaid, in addition to the said Penalty.

Penalty for
damaging
Pavements,
&c. vested
in the Com-
missioners.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners to cause, order, and direct all or any of the present and future Streets, Lanes, Highways, and other public Passages and Places, as well Carriageways as Footways, in the said Town, to be repaired, made, formed, amended, and sustained, in such Manner and with such Materials as the said Commissioners shall think proper; and also from Time to Time to cause the Materials thereof to be taken up and relaid and renewed, and the Ground and Soil thereof to be raised, lowered, or altered, in such Manner and with such Materials as the said Commissioners shall deem proper or direct; and also from Time to Time to cause any Sewers, Gutters, Drains, or Watercourses to be made into, upon, through, over, along,

Commis-
sioners to
repair
Streets, make
Drains, and
remove Ob-
structions in
the Town.

or

or under any of the said Streets, Lanes, Highways, Passages or Places, for carrying off Water, Mud, or other Filth from the same; and also to make new Ditches, Drains, Sewers, and Watercourses in and through the Lands adjoining and lying near to such Highways, or in and through any other Lands, for the more easy and effectual carrying off such Water, Mud, and Filth from the said Highways, without being thereby liable to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Forfeiture for entering or continuing upon any Part or Parts of such Lands for the Purpose last aforesaid; 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 expedient; and also from Time to Time to cause Grates to be placed on or over any of the said Sewers, Gutters, Drains, or Watercourses, and to remove, alter, or vary the Situations of the present or any future Grates placed or to be placed in or over the same, in such Manner as the said Commissioners shall think proper; and also to order and cause the Removal of all or any Posts, Rails, Pales, and Fences, which are or shall be in any of the said Streets, Lanes, Highways, Passages or Places, and which shall be useless, or an Obstruction to the free Passage along the same; 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; and also from Time to Time to employ such Workmen, Labourers, and other Persons, and to hire, purchase, employ, and use such Horses, Carts, Tools, and Implements, as the said Commissioners shall judge to be necessary for effecting such Purposes or any of them; and the several Persons so to be employed by the said Commissioners for the aforesaid Purposes shall have and are hereby invested with full Power and Authority to execute the same: Provided always, that nothing herein contained shall extend or be construed to extend to divert the Course of any ancient running Stream within the said Town.

Power to get
Materials for
repairing
Streets, &c.

XXIV. And be it further enacted, That it shall be lawful for the said Commissioners, or the Surveyor or Surveyors to be appointed by virtue of this Act, or any other Person or Persons employed or appointed by them, having an Order in Writing under the Hands of any Three of the said Commissioners for the Purpose, to search for, dig, gather, get, and carry away any Stone, Gravel, Sand, Earth, or other Materials fit or proper for paving, repairing, amending, raising, or improving the said Streets, Lanes, Highways, Passages and other public Places within the said Town, out of any Waste Grounds, or any Common River or Brook, or Pit, within the Township of *Wantage*, without paying any thing for the same, they the said Commissioners causing the Pits or Holes to be filled up and the Ground to be levelled, or otherwise causing the Banks where such Materials shall be taken to be sloped down, and the Pits or Holes to be fenced off, so that the same may not be dangerous to Passengers or Cattle; and in case a sufficient Quantity of such Materials cannot be had in or upon any such Waste Grounds, or in any such Common River or Brook, or Pit as aforesaid, then and in such Case it shall be lawful for the said Commissioners, or their aforesaid Surveyor or Surveyors, or any

any other Person or Persons employed or appointed by them as aforesaid, by Order of any Justice or Justices of the Peace, to be made upon the Application of the said Commissioners, to search for, dig, gather, get, and carry away any such Materials in, out of, and from the inclosed Lands or Grounds of any Person or Persons situated within the said Township, or any adjoining Parish, Hamlet, or Place where the same may be had or found, (such Lands or Grounds not being a Yard, Garden, Orchard, Nursery for Trees, Walk or Avenue to a House); the said Commissioners nevertheless making or tendering such Satisfaction for the Value of such Materials, and also for the Damages done to the Owners and Occupiers of any such Lands or Grounds, where and from whence the same shall be dug, gathered, and carried away, or over which the same shall be carried, as shall be agreed upon between the said Commissioners, or the Person or Persons acting on their Behalf, and such Owners or Occupiers respectively; or in case of their not agreeing, then any Justice or Justices of the Peace shall and may in a summary Way hear, settle, and determine the Matter of such Payments and Damages, and the Judgment or Order of such Justice or Justices therein shall be final and conclusive to all Parties; provided nevertheless, that no such Stone or other Materials as aforesaid, lying or being within the Distance of One hundred Yards from any Bridge, Mill, or Mill Weir or Dam, shall be dug for, gotten, or taken away, on any Account or Pretence whatsoever.

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

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

XXVI. And be it further enacted, That the said Commissioners shall have full Power and Authority to cause any Stones, Gravel, Sand, Earth, or other Materials as aforesaid, to be carried and brought into the said Streets, Lanes, Highways, Passages and other public Places

[*Local.*]

21 M

Penalty on Persons taking away Materials got by the Commissioners. within

within the said Town, or any of them, and laid down there for the Purposes of this Act; and if any Person whosoever shall, without the Licence and Authority of the said Commissioners, or of the Surveyor or Surveyors for the Time being, remove or take away any such Stones, Gravel, Sand, Earth, or other Materials laid upon or in the said Streets, Lanes, Highways, Passages and other public Places within the said Town, or any of them, by the Order of the said Commissioners, or shall remove or take away any such Stones, Gravel, Sand, Earth, or other Materials which shall have been dug or gathered by the Order of the said Commissioners, or their said Surveyor or Surveyors, every Person so offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Commis-
sioners may
widen, &c.
the Roads
under their
Care.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby fully authorized and empowered, from Time to Time to widen and improve the Course or Path of any of the several and respective Roads under their Care and Management, or of any Part or Parts thereof, so as the same do not exceed Forty-two Feet in Width; and it shall and may be lawful for the said Commissioners, and for their Surveyor or Surveyors and Workmen for the Time being, with or without Carriages or Cattle, from Time to Time to enter upon any private Lands, Tenements, or Hereditaments (not being a Yard, Garden, Orchard, Nursery for Trees, Walk or Avenue to a House,) through or over which the widened Part of the said Road shall pass or be intended to pass or be made, and to stake out and make the same in such Manner as the said Commissioners shall think necessary or proper, without being thereby subject or liable to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Forfeiture, for entering or continuing upon any Part or Parts of such Lands, Tenements, and Hereditaments respectively for the Purposes last aforesaid.

Commis-
sioners may
prune Trees
on the Sides
of the Roads.

XXVIII. And be it further enacted, That the Owners or Occupiers of the Lands next adjoining to any of the Highways within the said Town shall cut, prune, and trim their Hedges to the Height of Six Feet from the Surface of the Ground, and also cut down, prune, or lop the Branches of Trees, Bushes, and Shrubs growing in or near such Hedges or other Fences adjacent thereto, (such Fences, Trees, Bushes, or Shrubs not being in any Garden, Orchard, Plantation, Walk or Avenue to a House, nor any Tree, Bush, or Shrub being an Ornament or Shelter to a House,) in such Manner that the said Highways shall not be prejudiced by the Shade thereof, and that the Sun and Wind may not be excluded therefrom; and if such Owner or Occupier shall not, within Ten Days after Notice given by any Three of the Commissioners or their Surveyor for that Purpose, cut, prune, and trim such Hedges, or cut down, prune, or trim such Branches of Trees, Bushes, and Shrubs, in manner aforesaid, it shall be lawful for any Three of the said Commissioners or their Surveyor to make Complaint thereof to some Justice of the Peace, who shall summon the Occupier of such Lands before him to answer the said Complaint, and if it shall appear to such Justice that such Occupier has not complied with the Provisions of this Act for cutting, lopping, pruning,

and

and trimming such Trees, Bushes, and Hedges as aforesaid, it shall and may be lawful for such Justice, upon hearing the Commissioners or their Surveyor, and the Occupier of such Land, or his Agent, (or in default of his or her Appearance, upon having due Proof of the Service of such Summons,) and considering the Circumstances of the Case, to order such Hedges to be cut, trimmed, and pruned, and such Branches of Trees, Bushes, and Shrubs to be cut down or pruned or trimmed, in such Manner as may best answer the Purposes aforesaid; and if the Occupier of such Land shall not obey such Order within Ten Days after it shall have been made, and he or she shall have had due Notice thereof, he or she shall forfeit for every Twenty-four Feet in Length of such Hedge which shall be so neglected to be cut, trimmed, and pruned, the Sum of Two Shillings, and the Sum of Twopence for every Tree, Bush, or Shrub which shall be so directed to be cut down, pruned, or trimmed; and the said Commissioners or their Surveyor, in case of such Default made by the Occupier, shall and may cut, prune, and trim such Hedges, and cut down, prune, or trim such Branches of Trees, Bushes, and Shrubs, in the Manner directed by such Order, and such Occupier shall be charged with and pay, over and above the said Penalties, the Charges and Expences of doing the same, or in default thereof such Charges and Expences shall be levied, together with the said Forfeitures, upon his or her Goods and Chattels, by Warrant from a Justice of the Peace, in such Manner as is herein-after directed or authorized for the levying and recovering of Forfeitures or Penalties for Offences against this Act.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners, or their said Surveyor, during such Time as any of the Streets, Lanes, Highways, Passages or other public Places within the said Town, shall be under repair, or during the making or repairing of any Sewers or Drains therein, to cause such and so many Bars, Posts, Rails, and Chains to be fixed, set up, and placed across or in any of the said Streets, Lanes, Highways, Passages or other public Places, to prevent the passing of Carriages, Horses, and Cattle, whilst such Works and Repairs are in progress, as to the said Commissioners shall seem proper; and if any Person or Persons shall throw down, break, remove, damage, or injure any of the said Bars, Posts, Rails, and Chains, without the Authority or Consent of the said Commissioners, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to
place Bars
across Streets
under repair.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners, and the Surveyor or Surveyors for the Time being, to be appointed by them, to remove and prevent all Annoyances on every Part of the Highways within the said Town, occasioned by Filth, Dung, Manure, Ashes, Rubbish, or any other Matter or Thing whatsoever, being laid, thrown, or placed upon any of the Highways within the said Town, or upon the Sides of the Road, within Fifteen Feet of the Centre thereof, and dispose of the same for the Benefit of such Road, in case the Owner thereof shall neglect to remove the same within Three Days after Notice in Writing, signed by any Three of the said Commissioners, or their Surveyor for the Time being as aforesaid,

To prevent
Nuisances
being laid in
or near the
Sides of the
Highways,
&c.

aforesaid, given to or left at the usual Place of Abode of such Owner for that Purpose.

Penalty on
Persons tak-
ing up Pavement without
Consent of
Commissioners.

XXXI. And be it further enacted, That if any Person or Persons whosoever shall at any Time hereafter take up, or cause to be taken up, any Part of the Pavement, Flag, or other Materials of the Footways in the said Streets, Lanes, Highways, and other public Passages and Places, or any of them, (except when acting in pursuance of the express Directions herein-after contained in this Act,) or shall make or cause to be made any Alteration in any of the Gutters, Drains, or Watercourses in the said Town, without the previous Consent and Authority of the said Commissioners, or their said Surveyor or Surveyors, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Commissioners em-
powered to
cause Streets,
&c. to be
lighted with
Oil or Gas.

XXXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to cause the several Streets, Lanes, and other public Passages and Places within the said Town, or such of them as they shall think proper, to be lighted either by Oil Lamps or by means of Gas or Inflammable Air, as the said Commissioners shall think fit, and to direct what Part or Parts of the said Town shall be lighted by Oil, and what by means of Gas or Inflammable Air; and it shall and may be lawful for the said Commissioners from Time to Time to contract and agree with any Body or Bodies Politic or Corporate, or any Company or Companies, or other Person or Persons, to light the said Streets, Lanes, and other public Passages and Places, or any of them, or any Part thereof respectively, by means of Oil or Gas or Inflammable Air, in such Manner, and upon such Terms and Conditions, Stipulations and Agreements, as the said Commissioners shall think proper, and to provide and set up, fix, or place all necessary Lamps, Lamp Posts, Lamp Irons, and Iron or other Pipes for the Conveyance of Gas or Inflammable Air, and other Works necessary for the Purposes of this Act; and for the Purpose of lighting all or any of the said Streets, Lanes, Passages and Places with Gas or Inflammable Air, to direct the breaking up the Soil or Pavement of any of the Footways or Carriageways of any of the said Streets, Lanes, Passages and Places, and the opening, digging, sinking, and removing the Ground, and laying and fixing or placing Pipes, Stopcocks, Plugs, Branches, and any other Works or Machinery, by any Body or Bodies Politic or Corporate, or Company or Companies, or other Person or Persons, for the Conveyance of the said Gas or Inflammable Air for the Purpose of lighting such Streets, Lanes, Passages and Places, or any Part or Parts thereof, and from Time to Time to direct such Pipes, Stopcocks, Plugs, Branches, Works, and Machinery to be repaired, altered, or renewed.

Commissioners to
repair Damage done to
Walls, &c.

XXXIII. 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 Lamp Iron, or other Fastening thereof, or any Pipe or other Matter or Thing used for the Conveyance of Gas or Inflammable Air, the said Commissioners shall immediately
cause

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.

XXXIV. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners, or any Body or Bodies Politic or Corporate, Company or Companies, or any other Person or Persons, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street, Lane, Passage or Place, or any House, Manufactory, or other Building therein, to carry, lay, or fix or continue any Pipe or Pipes, or Cocks or Branches from any Pipes, or other Thing for the Conveyance of Gas or Inflammable Air, into, through, or against any Dwelling House or Houses or private Buildings, or into or through any private Lands or Hereditaments or Premises, or so to continue the same, without the Consent of the Owner or Owners, Occupier or Occupiers of every such Dwelling House, Building, Lands, Tenements, and Hereditaments respectively, nor to enable the said Commissioners, or any Body or Bodies Politic or Corporate, or Company or Companies, or other Person or Persons, to enter into or upon any private Lands or Grounds, for any Purposes relating to the Supply or Use of Gas, for that Purpose first had and obtained.

Gas Pipes, &c. not to be laid on private Premises without Consent.

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

Service Pipes to be kept fully charged with Gas.

XXXVI. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up or placed by the said Commissioners, or by any Body or Bodies Politic or Corporate, or Company or Companies, or any other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, the said Commissioners, or any Body or Bodies Politic or Corporate, or Company or Companies, or other Person or Persons, making or supplying, or agreeing or contracting to supply, any such Gas, shall, immediately after Notice given to them or him, by Parol or in Writing, of any such Escape of Gas from any Person or Persons, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Commissioners, or the Body or Bodies Politic or Corporate, or Company or Companies, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours next after such Notice given, effectually stop and prevent the Escape of any such Gas, and any future Escape of Gas, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Commissioners, or such Body or Bodies Politic or Corporate, or Company or Companies, or other Person or Persons as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each Day, after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall

For stopping the Escape of Gas.

be suffered to escape as aforesaid; which Penalty or Penalties shall from Time to Time be recoverable in a summary Way, on the Oath of One or more credible Witness or Witnesses, by Information to be laid before some One or more Justice or Justices of the Peace, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the Treasurer of the said Commissioners, or of the Goods and Chattels of such Body or Bodies Politic or Corporate, or Company or Companies, or other Person or Persons as aforesaid.

Gas Pipes to be laid Four Feet from Water Pipes, and in a particular Manner.

XXXVII. And be it further enacted, That all and every the Pipes or other Conduits to be used or laid for the Conveyance of Gas in, under, through, along, across, or round any Street or other Place in the said Town, shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down, or hereafter to be laid down, for the Conveyance of Water in, under, through, along, across, or round any of the said Streets or other Places; (excepting in Cases where it shall be unavoidably necessary to lay the 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, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least); and in laying down the said Gas Pipes the Body or Bodies Politic or Corporate, or Persons, supplying Gas, shall in no Case join Two or more Gas Pipes together previous 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 in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in all and every respect prevent the said Gas from escaping therefrom, upon pain of forfeiting for every Offence the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at Westminster.

To prevent Contamination of Water by Gas.

XXXVIII. And be it further enacted, That whenever the Water of any Company for supplying the Inhabitants of any Houses in the said Town with Water, or any Water commonly used by such Inhabitants, shall be contaminated by any Gas used or burnt for lighting any Street or Place, or any House, Manufactory, Building, or other Premises in the said Town, the Body or Bodies Politic or Corporate, or Person or Persons, making, furnishing, or supplying such Gas, shall forfeit and pay the Sum of Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and shall be applied to and for the Use and Benefit of the Company supplying such Water, or other Person aggrieved thereby, and in case any such Water shall be contaminated or affected by Gas

in any way whatsoever, then and in every such Case the Body or Bodies Politic or Corporate, or Persons, making, furnishing, or supplying such Gas, shall, within Twenty-four Hours next after the Notice thereof in Writing, signed by the Treasurer or other Officer of and for such Water Company as aforesaid, or by any Person making use of such Water, to be left at the usual Office or Place of transacting Business of the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying such Gas, cause the most proper and effectual Measures to be taken to stop and prevent Gas from escaping from their Mains, Works, or Pipes, or contaminating or affecting the Water as aforesaid; and in case the said Body or Bodies Politic or Corporate, or Person or Persons, making, furnishing, or supplying Gas, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent the 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 the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying such Gas as aforesaid, shall on each and every Complaint forfeit and pay to the Treasurer or other Officer for the Time being of such Water Company as aforesaid, or to the Person or Persons aggrieved, for the Use and Benefit of the same Company or Person or Persons, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which such Water shall be and remain contaminated or affected by 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 the Parties or Person or Persons aggrieved, against the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying Gas, before any Justice of the Peace for the said County of *Berks*, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying such Gas, 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, when so levied, shall be paid to the Parties or Person or Persons prosecuting such Information.

XXXIX. And whereas it may be or become a Question whether the Water of any Well or Pump be contaminated or affected by the Gas of the said Commissioners, or Body or Bodies Politic or Corporate, Company or Companies, or Person or Persons as aforesaid; be it therefore enacted, That in every such Case it shall be lawful for the Owner or Owners, or Occupier or Occupiers of any Messuage or Dwelling House, or other Person or Persons using the Water of any such Well or Pump, the Water of which may be deemed affected as aforesaid, to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, or Body or Bodies Politic or Corporate, Company or Companies, or Person or Persons as aforesaid, for the Purpose of ascertaining whether such

For ascer-
taining if
Water is con-
taminated.

Contamination

Contamination proceed from or be occasioned by the Gas of the said Commissioners, or Body or Bodies Politic or Corporate, Company or Companies, or 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, or Body or Bodies Politic or Corporate, Company or Companies, or Person or Persons as aforesaid, and such Owner or Owners, Occupier or Occupiers, or Person or Persons, shall have given Twenty-four Hours Notice in Writing to the said Commissioners, or Body or Bodies Politic or Corporate, Company or Companies, or Person or Persons as aforesaid, or to their, his, or her Clerk or Surveyor, of his, her, or their Intention to dig and make such Search and Examination, to the Intent that they, he, or she may attend such Search and Examination, then and in such Case the Costs and Expences of the said Digging, Search, and Examination, and Repair of any Pavement which shall be taken up or disturbed in any such Examination or Search, shall be borne and paid by the said Commissioners, or Body or Bodies Politic or Corporate, Company or Companies, or Person or Persons as aforesaid; which Costs and Expences shall be ascertained and determined (if necessary) by One or more Justice or Justices of the Peace for the said County of *Berks*, and be recovered by Distress in like Manner as Penalties or Damages 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, or Body or Bodies Politic or Corporate, Company or Companies, or Person or Persons as aforesaid, then and in such Case the said Owner or Owners, Occupier or Occupiers of such Messuage or Dwelling House, Well or Pump, or other Person using such Water, and digging, examining, or searching as aforesaid, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners, or Body or Bodies Politic or Corporate, Company or Companies, or Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the Mains, Pipes, Conduits, or Apparatus of the said Commissioners, or Body or Bodies Politic or Corporate, Company or Companies, or Person or Persons as aforesaid, in and by such Search and Examination, and also to any Pavements, Gutters, and Watercourses broken up or disturbed in such Search or Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined, in case of any Dispute respecting the same, by such Justice or Justices of the Peace, and shall or may be levied and recovered, in case of Nonpayment, as Penalties for Offences against this Act are herein-after directed to be levied and recovered.

Penalty for
conveying
Washings
into Sewers,
Streams, &c.

XL. Provided always, and be it further enacted, That if the said Commissioners, or any Body or Bodies Politic or Corporate, or Company or Companies, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas, used, burnt, or consumed within the Limits of this Act, shall at any Time empty, drain, carry, or convey, or cause or suffer to be emptied, drained, carried, or conveyed, or to run or flow, any Washings or other waste Liquids, or other noisome or offensive Liquids, Substances, or Things whatsoever,

soever, which shall arise or be produced or made in the Prosecution of any Gas Works, into any River, Brook, or running Stream, Well, Pond, Ditch, Canal, Sewer, or Conduit, or other Place, or do, or suffer or cause to be done, any Act or Thing whereby the Water or any Part thereof contained in any River, Brook, or running Stream, Well, Pond, Ditch, Canal, Sewer, Conduit, or other Place, shall or may be soiled, fouled, corrupted, or contaminated, then and in every such Case the said Commissioners, and Body or Bodies Politic or Corporate, Company or Companies, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty and Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed; and such Penalty shall be paid to the Person or Persons who shall inform or sue for the same; provided always, that no such Penalty or Forfeiture shall be recoverable unless the same is sued for within Twelve Calendar Months after the Time when such Annoyance, Act, and Thing shall have ceased; provided also, that in addition to the said Penalty of Two hundred Pounds, (and whether such Penalty shall or shall not be recovered,) in case any of such Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be emptied, drained, carried, or conveyed, or caused or suffered to run or flow, into any River, Brook, or running Stream, Well, Pond, Ditch, Sewer, Conduit, or other Place whatsoever as aforesaid, or any other Act or Thing shall be done, or suffered or caused to be done, by which it may ultimately be drained, carried, or conveyed into any River, Brook, or running Stream, Well, Pond, Ditch, Canal, Sewer, Conduit, or other Place as aforesaid, or in case any such Annoyance, Act, or Thing shall be done, or suffered or caused to be done as aforesaid, in any other Manner, or by any other Ways or Means, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever to the said Commissioners, or any of them, or to any Body or Bodies Politic or Corporate, or Company or Companies, or other Person or Persons as aforesaid, or any of them, and the said Commissioners, or Body or Bodies Politic or Corporate, or Company or Companies, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours after such Notice given, stop and prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being emptied, drained, carried, or conveyed, or from running or flowing, in manner aforesaid, and every such other Annoyance, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, and Body or Bodies Politic or Corporate, Company or Companies, or other Person or Persons as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so drained, conducted, or conveyed, or suffered or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take place,

[*Local.*] 21 O shall

shall have sustained any Annoyance, Injury, or Damage by any such Act done or committed.

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

XLI. 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 Bodies Politic or Corporate, Company or Companies, or any Person or Persons, 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 Company or Companies, or other Person or Persons as aforesaid, from any Indictment or Prosecution for a public or private Nuisance, in respect of any Works, or the Means which shall be employed by them in making the said Gas, and using the same, or furnishing any such Gas Light, nor from any Action or Actions for any Injury or Damage sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury or Damage shall proceed from the Preparation, or the Use of the same Gas, or the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Penalty on wilfully breaking Lamps.

XLII. And be it further enacted, That if any Person shall wilfully break, take away, throw down, displace, or otherwise destroy or damage any Lamp or Lamps which shall be erected or put up by Order of the said Commissioners, or by any Body or Bodies Politic or Corporate, Company or Companies, or by any other Person or Persons, for the Purpose of lighting any of the said Streets, Lanes, Passages, and Places, or any Post, Iron, Cover, or Furniture thereof, or shall wilfully extinguish the Light or Lights of or in any such Lamp or Lamps, it shall and may be lawful to, and for any Justice of the Peace, and he is hereby required, upon Complaint to him made by One or more credible Witness or Witnesses, of any such Offence having been committed, to summon the Party or Parties complained of for doing such Damage; and in case of his, her, or their making Default to appear to such Summons (Oath being made that the Party or Parties complained against had been served with such Summons, or that the same had been left at his, her, or their usual Place of Abode, if known), it shall be lawful for any Justice of the Peace, and he is hereby required, to issue a Warrant for apprehending the Party or Parties accused, (or it shall and may be lawful to, and for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending, the Offender or Offenders, and by Authority of this Act, and without any other Warrant, to deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace); and such Justice shall and he is hereby required to proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence, and if the Party or Parties accused shall be convicted of such Offence, either on his, her, or their Confession, or upon such Evidence as aforesaid, then and in every such Case he, she, or they shall for every such Offence respectively forfeit and pay any Sum not exceeding Five Pounds,

Pounds, and shall also make a full Satisfaction, in addition to such Penalty, to the said Commissioners, or to the Party injured, for the Damage so done.

XLIII. And be it further enacted, That if any Person shall carelessly, negligently, or accidentally break, throw down, or otherwise destroy or damage any Lamp, or the Post, Iron, Cover, or Furniture thereof respectively, 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 made, to summon before him the Party or Parties so complained of, and upon his, her, or their appearing, or making Default to appear, (Oath being made that the Party complained against had been served with such Summons, or that the same had been left at his, her, or their usual Dwelling or Place of Abode,) such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either by Confession of the Party or the Oath of any credible Witness, shall award and order such Satisfaction to be made by the Party or Parties complained against, for the Damage so done to 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 paid forthwith, it shall and may be lawful to and 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.

Satisfaction to be made on negligently breaking Lamps.

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

Streets may be cleansed.

XLV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, to purchase or hire any Cart or Carts, or other Carriage or Carriages, and also any Horse or Horses for drawing the same, for carrying away the Dirt, Dust, Ashes, and Rubbish from the said Streets, Lanes, public Passages and Places, and for other Purposes in the Execution of this Act; and also to nominate and appoint any Person or Persons for the Purpose of cleansing the said Streets, Lanes, Passages and Places, and of carrying away the Dust, Dirt, Filth, Rubbish, Cinders, or Ashes from any House or Houses or other Premises within the said Town; and it shall be lawful for the said Commissioners to contract with any Person or Persons for cleansing the said Streets, Lanes, Passages and Places, and for carrying away the Dust, Dirt, Cinders, or Ashes from the same, and any Houses, Tenements, or other Premises within the said Town.

Scavenger.

XLVI. And be it further enacted, That the Person or Persons employed by or contracting with the said Commissioners for cleansing the said Streets, Lanes, public Passages and Places, or the Person or Persons employed by or acting under the Direction of such Person

Scavengers Duty.

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9° GEORGII IV. Cap. xc.

Person or Persons so contracting with the said Commissioners, shall on such Days and at or between such Hours as the said Commissioners shall from Time to Time appoint, sweep and collect together all Dust, Dirt, Filth, or Rubbish in such Streets, Lanes, public Passages and Places, and shall also bring, or cause to be brought, a Cart or other proper Carriage, in such Streets, Lanes, Passages or Places where such Cart or other Carriage can pass, and such Person or Persons so employed by or contracting with the said Commissioners shall immediately take the Dust, Dirt, Rubbish, Cinders, Ashes, and Filth (except Filth from any Privy or Necessary House) from the respective Premises in such several Streets, Lanes, public Passages and Places, and put the same in such Cart or Carriage; all which Dust, Dirt, Rubbish, Cinders, Ashes, and Filth (except as aforesaid), as well as all such Dust, Dirt, Dung, Ashes, and other Filth as shall be swept up and collected together as aforesaid, such Person or Persons shall then immediately, or as soon as may be, carry away, or cause to be carried away, to the Place or Places appointed by the said Commissioners for depositing the same, upon pain of forfeiting any Sum not exceeding Five Pounds for every Offence or Neglect therein.

Inhabitants
to sweep
Pavements
opposite
their Houses.

XLVII. And be it further enacted, That the respective Occupiers of Houses or other Buildings or Tenements, with their Appurtenances, within the said Town, shall and they are hereby required to sweep and cleanse, or cause to be well and sufficiently swept and cleansed, the Footways and Foot Pavements before, behind, and at the Sides of their respective Houses or other Buildings, where the same shall abut upon any Street, Lane, or other public Passage or Place, on ~~Tuesday~~ *Friday* in each and every Week, before Ten of the Clock in the Morning; and such Occupiers are also hereby required so to do on all and every such other Days in the Week, and at or before such Hours as the said Commissioners shall order or direct by Notice left at the usual Residence of such Occupier, or by Notice, given by the public Crier of the said Town, require to be done; and shall also at all Times in Winter, without any Notice as aforesaid, keep such Footways and Foot Pavements free from any Accumulation of Snow; and in case of default of any such Occupier in either or any of the Cases aforesaid, such Occupier shall for every such Offence forfeit and pay to the said Commissioners any Sum not exceeding Twenty Shillings.

Streets, &c.
to be watched.

Watchmen,
&c. to be
appointed.

XLVIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered, from Time to Time, when and as they shall think it expedient, to cause the Streets, Lanes, and other public Passages and Places within the said Town, or such of them as they shall think fit, to be safely and properly watched, and for that Purpose to appoint such Number of able-bodied Men as they shall judge proper to be employed as Watchmen and Patrol, and such Watchmen and Patrol from Time to Time to remove, suspend, and displace, and to appoint others in their Stead; and to provide proper Watch-houses, Watchboxes, and other Places for the Reception, Support, Protection, and Accommodation of such Watchmen and Patrol, and for the safe Custody of such Persons

Persons as may be apprehended by them respectively while on Duty; and to provide or furnish all necessary Arms, Materials, Matters, and Things for such Watchmen and Patrol, for the efficient Execution of their Duty; and to pay to such Watchmen and Patrol while on Duty reasonable Wages and Allowances; and also, by their Order, from Time to Time to impose any Fine, not exceeding Two Pounds, on any Watchman or Patrol for every Neglect or Misbehaviour, and to deduct the same out of his Wages, or otherwise to recover, levy, and apply such Fine in such Manner as any other Fine or Penalty is by this Act authorized and directed to be recovered, levied, and applied; and from Time to Time to make such Orders and Regulations as they the said Commissioners shall deem expedient for the better Government of the Watchmen and Patrol to be appointed, and to repeal such Orders and Regulations, or any of them, and to substitute others; and to give and allow, out of the Monies to be raised by virtue of this Act, such Rewards or Allowances as they shall think fit to any Watchman or Patrol, or others, who may be disabled or hurt or wounded in the Execution of his or their Office or Duty.

XLIX. And be it further enacted, That it shall be lawful for such Watchmen and Patrol or any of them, and they are hereby required, in their respective Stations, to exert themselves in the Prevention of Fires, Burglaries, Robberies, and other outrageous Disorders and Breaches of the Peace, and to apprehend and secure, in some proper Place or Places of Security to be for that Purpose appointed, all Felons, Malefactors, Rogues, Vagrants, Vagabonds, and idle and disorderly Persons, or Disturbers of the Public Peace, Prostitutes, and Nightwalkers, and all Persons who shall be found wandering and misbehaving themselves within the said Town, and to conduct all such Persons, as soon as conveniently may be, before some Justice of the Peace, to be examined and dealt with according to Law.

Duty of
Watchmen.

L. And be it further enacted, That all Watchmen and Patrol shall be sworn in as Constables before any Justice or Justices of the Peace, and to act as such while in the 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, as any Constable or Constables is or are invested with or have and enjoy by Law.

Watchmen,
&c. to be
sworn, and
vested with
Powers of
Constables.

LI. And be it further enacted, That in case any Watchman or Patrol to be appointed by virtue of this Act shall be guilty of any Misconduct or Neglect in the Execution of his Duty, it shall be lawful for any One Justice of the Peace, upon Complaint on Oath against such Watchman or Patrol of any such Misconduct or Neglect, to commit any such Watchman or Patrol to the House of Correction for the said County, for any Time not exceeding Six Calendar Months, or such Watchman and Patrol shall forfeit and pay any Sum not exceeding Five Pounds for each Offence, at the Discretion of the Justice before whom any such Complaint shall be made.

Watchmen,
&c. guilty of
Misconduct,
liable to be
prosecuted
and punished.

LII. And be it further enacted, That if any Person whosoever shall entertain or harbour in his or her House, Outhouse, or other
[Local.] 21 P Premises, Penalty on
Persons
harbouring
Watchmen

during the
Hours of
Duty.

Premises, any Watchman or Patrol during any of the Hours or Times appointed for the Attendance on Duty of such Watchman or Patrol by virtue of this Act, then every such Person so offending shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

For prevent-
ing Nuisances
in the Streets.

LIII. 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 rise, 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); 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 leave open after Sunset the Door or Window of any Cellar or underground 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 and Places of the said Limits, from falling into such Cellars or other underground 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 Gork; 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,

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 for 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 thereon 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 Slaughterhouse, Butcher's Shop, Shambles, or other Place, or any Soap Suds or noisome Fluid to run or flow from any Yards or Premises, into the said Streets, Lanes, Highways, Passages or Places, or into the Reservoir of Water in the Market Place in the said Town, or into any Stream of Water in the said Town running into the said Reservoir, 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, or permit or suffer to be carried, emptied, conveyed, or discharged therein, any Filth, Rubbish, or offensive or noisome Matter or Thing; or permit or suffer any Mastiff or Bulldog, 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 Justice or 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 or promptly turn out of the Road or Way on meeting any Horses, Coaches, Waggon, Carts, or other Carriages, so as to leave proper and sufficient Quarter for such Horses and Carriages, or (being the hindermost of Two or more Coaches, Waggon, Carts, or other Carriages travelling in the same Course or Direction,) 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

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 Waggon); 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, Highways, Passages or Places, by placing thereon 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, Highways, Passages or Places, or by any other Means whatsoever, or assist in so doing; or fire any Blunderbuss, Musket, Gun, Pistol, or other Firearms, (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 Crackers, Squibs, Rocket, Bomb, 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 use any obscene or abusive Language, or make or excite or join in any Brawl, or otherwise disturb the Public Peace; or sell, hawk, or distribute, or assist in selling, hawking, or distributing, by Outcry, or Blast of Horn or Trumpet, or other noisy Instrument, without the Leave of the said Commissioners, any Cattle, Goods, Chattels, Wares, Merchandize, or other Matters or Things whatsoever; or use, blow, or sound any Horn, Trumpet, or other noisy Instrument for collecting Passengers, or any other Purpose; 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 stake 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 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 whosoever, driving or having the Care or Management of any Waggon, Cart, Caravan, Stage Coach, Chaise, Gigo, 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, Highways, 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

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 within One Hour after Sunset, bar and prevent the Light from such Shop shining into or upon the said Street, Lane, or Way; 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, Highway, Passage or Place in the said Town, without the Consent of the said Commissioners, or commit any Obstruction, Disturbance, or Annoyance whatsoever in or upon any Street, Lane, Highway, 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 seize and apprehend any Person committing any of the Nuisances herein-before mentioned, without any other Warrant or Authority than this Act, and to convey the Offender before any Justice of the Peace to be dealt with according to the Provisions of this Act, and also 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.

LIV. And be it further enacted, That for the Purpose of removing Obstructions, and making the narrow Parts of the Streets, Lanes, Highways, and other public Passages and Places in the said Town, safe and commodious for Carriages and Passengers, 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 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.

For the Removal of Obstructions.

LV. 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, Husbonds, 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

Power to Bodies Politic and others to sell.

[*Local.*]

21 Q

their

Form of Conveyance.

‘ I [or We] in consideration of the Sum of
‘ to me [or us] paid by the Commissioners
‘ for improving the Town of *Wantage*, 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

‘ *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 Commis-
 ‘ sioners 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.

LVII. 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 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,

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

1 G. 4. c. 35.

ditaments, 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.

Application
of Compensa-
tion Money
when less
than 200*l.*
and not less
than 20*l.*

LVIII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners, or any Five or more of them, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option, and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so to be purchased and settled, such Nomination to be approved of by Five or more of the Commissioners for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank 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.

LIX. Pro-

LIX. 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, Idiotcy, 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.

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

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

Persons in Possession presumptively entitled.

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

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

[*Local.*]

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LXII. And

On Payment
of Purchase
Money, &c.
the Property
to vest in
the Commis-
sioners.

LXII. 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.

Power to pull
down Build-
ings purchas-
ed for the
Purposes of
this Act.

LXIII. 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, Highways, or other public Passages or Places, in such Manner as the said Commissioners shall judge proper; and the Land so added to or laid into the respective Streets, Lanes, Highways, or other public Passages or Places respectively, shall for ever afterwards be deemed Part thereof, and the same shall be used as common public Highways.

For the Sale
of Land not
wanted.

LXIV. 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 Five 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,

Lands, Tenements, or Hereditaments, or of any Part or Parts thereof, it shall be lawful for the said Commissioners, or any Five 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 *bond 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.

LXV. And be it further enacted, That in all Grants and Conveyances 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 Lands, Hereditaments, and Premises thereby granted, conveyed, and sold, of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, for quiet Enjoyment thereof against the said Commissioners and their Successors, and all Persons claiming under them; and all such Purchasers shall be indemnified and saved harmless by the said Commissioners and their Successors.

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

LXVI. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause all and every or any of the Penthouses, Porches, Sheds, projecting Windows, Palisades, Rails, Posts, Fences, Steps, Cellar Windows, Cellar Doors, Hatchways, Frontsteads, Court-yards, and other Obstructions and Projections whatsoever, and of what Nature or Kind soever, which are now already erected, affixed, set up, laid down, or being against or in front of or belonging to any Houses or other Buildings whatsoever in any of the Streets, Lanes, Highways, or other public Passages and Places within the said Town, which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances, by reason of their projecting into or encroaching upon, or otherwise obstructing, annoying, or endangering the public Passage along any of the said Streets, Lanes, Highways, Passages or Places, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed by the said Commissioners, or any other Person or Persons acting under their Authority, in such Manner as shall be thought most proper and expedient by the said Commissioners; and also from Time to Time to pull down and remove, or cause to be pulled down and removed, all or any Posts, Rails, Pales, Trees, or Fences which are now erected, standing, or being in or near the said Streets, Lanes, Highways, Passages and Places, or any of them, as they the said Commissioners shall judge useless, or to be a Nuisance or Obstruction to Passengers, Horses, or Carriages; they the said Commissioners nevertheless first causing Fourteen Days Notice in Writing under

Projections,
&c. to be removed by
Commissioners.

under the Hands of Five or more of the said Commissioners, to be given to the respective Owners or Occupiers of such Houses or other Buildings, of their Intention to take down, fill up, remove, alter, or reform such Obstructions or Projections respectively, and causing as little Damage to be done in effecting every such Removal or Alteration as the Nature of the Case will allow, and also defraying the whole Costs and Charges attending the Execution of the same.

Future Projections to be removed by Occupiers.

LXVII. And be it further enacted, That the several Occupiers of Houses and other Buildings situate in the several Streets, Lanes, Highways, or other public Passages and Placés within the said Town, and every of them, are hereby authorized and required, at their own respective Costs and Charges, within Fourteen Days next after their respectively receiving Notice in Writing from the said Commissioners in that Behalf, signed by any Five or more of the said Commissioners, to cause all and every the Penthouses, Porches, Sheds, projecting Windows, Palisades, Rails, Posts, Fences, Steps, Cellar Windows, Cellar Doors, Hatchways, Frontsteads, Court-yards, and other Obstructions and Projections which shall in future be erected, set up, laid down, or be against or in front of or belonging to their respective Houses or other Buildings, which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances, by reason of their projecting into or encroaching upon, or otherwise annoying or endangering the public Passage along any of the said Streets, Lanes, Highways, Passages or Places, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed, in such Manner as shall be directed by the said Commissioners; and in case the Occupier of any such House or other Buildings as aforesaid shall neglect or refuse to cause any such Penthouse, Porch, Shed, projecting Window, Palisade, Rail, Post, Fence, Step, Cellar Window, Cellar Door, Hatchway, Frontstead, Court-yard, or other Projection or Obstruction whatsoever, which shall in future be so erected, set up, affixed, laid down, or be against or in front of or belonging to his or her House or other Building, and which shall be considered an Annoyance or Nuisance as aforesaid, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done by some Person or Persons acting under their Authority, and the Costs and Charges attending the same, having been ascertained by some Justice or Justices of the Peace, shall and may be recovered from the Occupier of such House or Building in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered, and the same shall be paid to the said Commissioners or their Treasurer or Treasurers, and be applied to the general Purposes of this Act; and it shall be lawful for the Occupier of any such House or Building, being a Tenant at Rack Rent, and having either paid such Costs and Charges in the first Instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his or her Rent, and the Proprietor or Landlord of every such House or other Building so held at Rack Rent is hereby required to allow the same accordingly, except only in Cases where the Encroach-

ment, Obstruction, Annoyance, or Nuisance so removed or altered shall have been originally occasioned by such Occupier, in which Case he or she shall bear the Expence of altering or removing the same.

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

Signs, &c. to
be removed
by Occupiers.

LXIX. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, and Gardens within the said Town, and every of them, shall, and they are hereby respectively authorized and required, at their own Costs and Charges, within Fourteen Days next after receiving Notice in Writing from the said Commissioners in that Behalf, signed by any Five or more of the said Commissioners, to

Doors and
Gates to open
inwards.

[*Local.*]

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cause

cause all such of the Doors and Gates leading into the several Houses, Buildings, Yards, and Gardens, in their respective Occupations, (and not being Cellar Doors or Trap Doors, which now do or shall hereafter open outwards upon or over any Footpath,) and all Gates or Bars, which do or shall open outwards upon or over any Street, Footpath, Highway, or public Passage within the said Town, to be altered so as that the same Doors or Gates shall thenceforward open inwards or into their respective Premises, or so as to cause no Obstruction to the public Passage; and if any such Occupier of any of the aforesaid Premises shall neglect or refuse to make the Alteration required by the said Commissioners in any such Door or Gate, within the Period specified in such Notice, such Occupier making default therein shall forfeit and pay the Sum of Forty Shillings a Day for every Day during which any such Gate or Door shall be suffered to remain opening outwards as aforesaid after the Expiration of the Time specified in such Notice; provided nevertheless, that when the Occupier of any such House, Building, Yard, and Garden, being a Tenant at Rack Rent, shall cause any such Door or Gate to be duly altered in pursuance of such Notice as aforesaid, it shall be lawful for him or her to deduct and retain, out of his or her Rent, the necessary Charges of altering the same, and the Proprietor or Landlord of every such House, Building, Yard, Garden, or Land so held at Rack Rent, is hereby required to allow the same accordingly, except only in Cases, where such Door or Gate opening outwards, and so altered, shall have been originally put up by or under the Authority of the Person or Persons occupying the Premises at the Time the Alteration is made, in which Case such Occupier shall bear the Expence of altering the same; and provided also, that it shall be lawful for the said Commissioners to allow to such Occupier or such Proprietor all or any Part of the Expence of making any such Alteration, if the said Commissioners shall think it reasonable so to do.

Regulating
Cellar Doors
or Flaps.

LXX. And be it further enacted, That where any Opening is now or shall hereafter be made in the Paving or Flagging of any of the said Streets, Lanes, Highways, Passages or Places, as an Entrance into or for the Purpose of carrying Coals or other Articles into any Vault or Cellar, whether such Vault or Cellar be inhabited or uninhabited, or for the Purpose of carrying Light into any Room or Cellar, or for any other Purpose, the Door or Doors, Lid or Lids, Flap or Flaps, Covering or Grating to such Opening, shall be made (at the Expence of the Occupier of the Cellar, Kitchen, Building, or other Premises to which such Opening shall communicate,) of Iron or such other Materials, and of such Dimensions, and in such Manner and Form as the said Commissioners shall direct and approve of; and every such Door, Lid, Flap, Grating, or Covering shall from Time to Time be repaired, varied, and altered, at the Expence of the Person or Persons for whose Use and Benefit the same shall be possessed and enjoyed, and in such Manner and Form as the said Commissioners shall direct and appoint; and in case any Person or Persons shall cause any such Grating or Covering to be made, repaired, varied, or altered, or shall neglect or refuse to make, repair, vary, or alter such Grating or Covering, contrary to such Direction or Appointment as aforesaid, or shall cause or permit the same to be or remain not sufficiently secured

or fastened, or shall cause or permit any such Cellar Door, Cellar Lid, Flap, or Cover within the said Limits, to be left open at any Time between Sunrise and Sunset, on any Pretence whatsoever, without the same being well and sufficiently lighted and guarded so as to prevent Accidents, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXXI. And for the greater Safety of the Inhabitants of the said Town from Danger by Fire, be it further enacted, That no Person or Persons whomsoever shall at any Time hereafter cover any House or other Building within the said Town, other than the Houses or Buildings now covered, either wholly or in part, with any Straw or Thatch, nor shall renew or repair the Covering of any such House or other Building other than as aforesaid, either wholly or in part with any Straw or Thatch, nor shall cause or procure any such House or Building other than as aforesaid to be so covered, or the Covering of any such House or Building other than as aforesaid to be renewed or repaired with such Materials, under pain of forfeiting and paying for every such Offence the Sum of Twenty Pounds; and it shall also be lawful for the said Commissioners to order and cause any Straw or Thatch which shall be placed on any House or Building other than as aforesaid within the said Town, contrary to the Provisions aforesaid, to be taken down and removed at such Time and in such Manner as to them shall seem meet, and the same shall and may accordingly be taken down and removed by any Person or Persons authorized or employed by the said Commissioners or their Surveyor for such Purpose, without any previous Notice given to the Owner or Occupier of such House or other Building, and without such Person or Persons so authorized or employed being deemed a Trespasser or Trespassers, or being liable to any Action, Indictment, or other Proceeding at Law, for or by reason of taking down or removing the same; and it shall be lawful for the said Commissioners, if they shall think proper, to allow and pay to any Occupier or Proprietor of any House or Building now covered with Thatch, in the said Town, and who shall be willing to remove such Thatch, the Whole or any Part of the Expence of recovering such House or Building with other Materials, and to pay the same out of the Monies to arise by virtue of this Act.

To prevent covering Houses with Thatch.

LXXII. And be it further enacted, That the Proprietor or Proprietors, or Occupier or Occupiers for the Time being of each House or Building next any Street, Lane, Highway, or public Passage or Place in the said Town, shall, within Fourteen Days next after Service of any Order or Direction for the Purpose, signed by Five or more of the said Commissioners, on him, her, or them personally, or left at his, her, or their last or usual Place of Abode, put up and place, and for ever afterwards keep in repair and condition, a Spout or Trough of the whole Length of such House or Building, with a Pipe or Trunk to be fixed to the Front or Side of such House or Building, from the Roof down to the Ground, to carry off or conduct the Water from the Roof of such House or Building, in such a Manner that such Water shall pass underneath the Flagging, Foot Pavement, or Footway into the common Channel, and so as not to fall

Water from Roofs of Houses to be carried off by Spouts and Pipes.

fall upon or incommode the Persons passing over or along any Foot-path; and every Tenant or Occupier at Rack Rent of any such House or other Building, who shall put up or place any such Spout, Trough, Pipe, or Trunk, or keep the same in repair, shall be entitled to deduct and retain, out of the Rent payable to the Owner or Proprietor, or Owners or Proprietors of such House or Building, so much Money as such Tenant or Occupier shall have expended in putting up or placing, or in keeping in repair, any such Spout, Trough, Pipe, or Trunk; and the Payment of such Expences by any such Tenant or Occupier shall be a sufficient Discharge for him, her, or them, for so much of his, her, or their Rent as the Amount of such Expences shall be equal to; and shall be abated and allowed to him, her, or them by the Owner or Owners, or Proprietor or Proprietors of such House or Building out of such Rent; and if any such Proprietor or Proprietors, or Occupier or Occupiers, shall, for the Space of Fourteen Days after Service as aforesaid, of any such Order or Direction neglect to put up or place, or neglect to repair, any such Spout, Trough, Pipe, or Trunk as aforesaid, then and in any and every such Case it shall be lawful for the said Commissioners to cause any such Spout, Trough, Pipe, and Trunk to be put up or placed against any such House or Building, at the Expence of the Proprietor or Owner thereof; and in case any such Proprietor or Owner shall refuse to pay such Expences, the same shall and may be levied and recovered by the said Commissioners by the same Ways and Means as the Rates or Assessments by this Act granted may be levied and recovered.

Rates may be made for defraying the Expences of carrying this Act into Execution.

LXXIII. And for raising Money for answering and defraying the Expences attending the applying for, obtaining, and passing of this Act, and of carrying into Execution the several Purposes thereof, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, empowered, and required, when and so often as they shall think necessary, to rate and assess, and to make One or more separate Rate or Rates, or Assessment or Assessments, in every Year, upon the Tenant or Occupier, Tenants or Occupiers of all Messuages, Gardens, Yards, Houses, Shops, Workhouses, Workshops, Wharfs, Warehouses, Cellars, Vaults, Manufactories, Foundries, Mills, Works, Stables, Coach-houses, Brewhouses, Malt-houses, and other Buildings and Erections already built, erected, or made, or which hereafter shall be built, erected, or made, or situate, standing, and being within the said Town, (save and except such Messuages, Buildings, and other Hereditaments as are situate in the said Town, the Occupiers of which, in the Judgment of the said Commissioners, shall not be benefited by the lighting and watching of the said Town,) according to the annual Value thereof respectively, as estimated from Time to Time in the Rate or respective Rates for the Relief of the Poor of the said Town, so as the same do not exceed in the whole in any one Year the Sum of Five Shillings in the Pound of the yearly Value thereof, to be estimated as aforesaid, for the Purposes of defraying the Charges and Expences of applying for, obtaining, and passing of this Act, or Part thereof, and of lighting and watching the same, and carrying this Act into Execution in respect thereof; and also to make One or more Rate or Rates, Assessment or Assessments, in every Year, upon the Tenant

or

or Occupier, Tenants or Occupiers, of all Messuages, Gardens, Yards, Houses, Shops, Workhouses, Workshops, Wharfs, Warehouses, Cellars, Vaults, Manufactories, Foundries, Mills, Works, Stables, Coach-houses, Brewhouses, Malthouses, and other Buildings and Erections already built, erected, or made, or which shall hereafter be built, erected, or made, or situate, standing, and being within the said Town, and upon the several Pleasure Grounds, Pastures, and Orchards thereto belonging, and also upon all Arable Lands, Meadows, Pastures, Tithes, Woods, and Hereditaments within the said Town, according to the annual Value thereof respectively, to be estimated as aforesaid, so as the same do not exceed in the whole in any One Year the Sum of Two Shillings and Nine-pence in the Pound of the yearly Value thereof, to be estimated as aforesaid, for the Purpose of defraying the Charges and Expences of applying for, obtaining, and passing of this Act, or Part thereof, and of paving, amending, repairing, and keeping in repair, cleansing and improving the several Streets, Lanes, Highways, and other public Passages and Places within the said Town, and otherwise carrying this Act into Execution in respect thereof; and the Money or Monies so rated or assessed on the said Tenants or Occupiers shall be paid by them respectively to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners respectively to collect the same; and the said Rates, and the Monies arising therefrom, shall be and are hereby vested in the said Commissioners respectively.

LXXIV. And be it further enacted, That the said Rates and Assessments shall be paid by the Tenants or Occupiers of the several Buildings and Premises so rated, to the Collectors or Persons appointed by virtue of this Act; and if any Tenant or Occupier of any such Buildings or Premises shall neglect or refuse to pay his or her Proportion or Proportions of any of the said Rates or Assessments respectively, to the said Collector or Collectors, or other Person or Persons appointed by virtue of this Act to collect the same, for the Space of Fourteen Days after Demand made thereof at the Dwelling House or usual Place of Abode of such Tenant or Occupier, the same shall be levied and recovered on and from all and every such Tenant or Tenants, Occupier or Occupiers so neglecting or refusing, by Distress and Sale of his, her, or their Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace, such Defaulter having been first duly summoned by such Justice or Justices to appear before him or them at a Time and Place to be mentioned in such Summons, to show Cause for such Neglect or Refusal; and the Overplus (if any) of the Monies to be raised by such Distress and Sale, shall be returned, on Demand, to the Owner or Owners of the Goods and Chattels so distrained and sold, together with what shall remain unsold, after deducting all Costs, Charges, and Expences previous to and attending such Distress and Sale, such Costs, Charges, and Expences to be ascertained and directed by the said Justice or Justices; and in default of such Distress, it shall be lawful for any Justice or Justices to commit such Person to the House of Correction or Common Gaol for the said County of *Berks*, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, or until

Recovery of Rates from Persons neglecting or refusing to pay.

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 attending the Recovery thereof, the Amount of such Costs, Charges, and Expences to be ascertained and determined by the said Justice or Justices.

Rates on Premises receiving only a partial or no Benefit from the lighting and watching, may be reduced or remitted.

LXXV. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners to remit the Whole or any Part of the said Rates and Assessments for lighting and watching the said Town in respect of any Messuages, Buildings, and other Hereditaments in any Street, Passage, or Place in the said Town which shall not be lighted and watched, or which shall be only partly lighted and watched, by virtue of this Act, in all Cases where, in the Judgment of the said Commissioners, the Tenants or Oecupiers of such Premises shall not receive any Benefit or Advantage, or shall receive only a partial Benefit or Advantage from or by reason of such lighting and watching.

Recovery of Rates from Persons quitting the Premises rated.

LXXVI. And be it further enacted, That in case any Person or Persons who shall be rated or assessed by virtue of this Act shall quit his, her, or their House or Houses, Shop or Shops, Warehouse or Warehouses, Coach-house or Coach-houses, Stable or Stables, Cellar or Cellars, or other Building, Garden, Land, Tenement, or Hereditaments, whereon any Rate or Assessment shall be made by virtue of this Act, before he, she, or they shall have paid such Rate, and shall afterwards refuse or neglect to pay the same when demanded of such Person or Persons, or at his, her, or their Place or Places of Abode, by the Collector of such Rates, or other Person authorized by the said Commissioners, then and in every such Case it shall and may be lawful for any Justice or Justices of the Peace, and he and they is and are hereby required, to grant a Warrant or Warrants of Distress under his or their Hand and Seal or Hands and Seals, (on Oath being made before him or them by the said Collector or Person as aforesaid of such Person or Persons having been so rated, and of his, her, or their having quitted the Premises as aforesaid, and of the said Rate or Assessment having been demanded of or from or at the then Place of Abode of such Person or Persons,) authorizing and directing the Constable or Constables of the Parish, Township, or Place, or other Person or Persons specially directed by such Warrant, to distrain the Goods and Chattels of the Person or Persons so refusing or neglecting to pay, and to sell the same, rendering the Overplus (if any), after having retained the Rate or Assessment and all Arrears thereof, and all the Costs and Charges of such Warrant, Distress, and Sale, to the Owner or Owners of such Goods and Chattels respectively; and on default of such Distress it shall be lawful for such Justice or Justices to cause such Defaulter to be apprehended and brought before him or them, and to commit such Defaulter to any House of Correction or Common Gaol for the said County, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, or until Payment of such Sums of Money as shall have been found to be due and in arrear upon any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Reco-

very thereof, such Costs, Charges, and Expences to be ascertained and directed by such Justice or Justices.

LXXVII. And be it further enacted, That in all Cases where any Person or Persons shall remove from or quit the Possession of any House, Building, Land, Ground, or other Tenement or Hereditaments, the Tenant or Occupier whereof shall be rated or assessed, or be liable to be rated or assessed, by virtue of this Act, every such Person or Persons so removing from or quitting the same shall be liable to pay such Rate or Assessment in proportion to the Time that such Person or Persons occupied the same respectively, in like Manner as if such Person or Persons had not removed from or quitted the Possession of the same; and in all Cases where any Person or Persons shall come into or occupy any House, Building, Ground, or other Tenement or Hereditaments rated or assessed, or liable to be rated or assessed as aforesaid, out of or from which any other Person or Persons shall have removed, or which at the Time of making any such Rate or Assessment was empty and unoccupied, the Person or Persons coming in 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 Rate or Assessment, in proportion to the Time that such Person or Persons shall occupy the same respectively, and in like Manner as if such Person or Persons had been originally rated or assessed by Name in such Rate or Rates, Assessment or Assessments; which said Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners.

Persons removing to pay a Proportion.

LXXVIII. Provided also, and be it further enacted, That where any House or Tenement shall be divided into or let or occupied in Two or more separate Tenements or Apartments, or where the same shall be let under the yearly Rent of Three Pounds, or shall be occupied by any Person or Persons who shall by reason of his, her, or their Poverty be excused from Payment of the Rates made for the Relief of the Poor of the said Town, or who on that Account shall not be charged with such Poor Rate, the same respectively shall nevertheless be subject to the Rates or Assessments granted by this Act; and the Landlord or Proprietor of every such House or Tenement shall be assessed to and liable to pay the said Rates or Assessments granted by this Act, and shall for the Purposes of this Act be deemed to be the Occupier thereof.

Mode of charging Houses let in separate Apartments.

LXXIX. And be it further enacted, That it shall and may be lawful for the said Commissioners, and for the Collector or Collectors of the Rates or Assessments to be made by virtue of this Act, or for any other Person or Persons authorized by the said Commissioners, at all convenient Times to inspect the Books of Assessment made from Time to Time by the Governor, Deputy Governor, Assistants, and Guardians for the Relief of the Poor within the said Town, and also the Books of Assessment of the Land Tax, House Tax, and Assessed Taxes, and also to take Copies thereof and make Extracts therefrom; which Inspection, Copies, and Extracts the Collectors of the Poor Rates, Land Tax, and other Taxes, or other Officer or Officers, Person or Persons, having the Custody of such Books and Assessments,

Collectors may inspect Poor Rates and other Assessments.

ments, are hereby required to permit and suffer to be made without Fee or Reward; and in case any such Collector or Collectors of the Poor Rates, Land Tax, and other Taxes, or other Officer or Officers, Person or Persons, shall neglect or refuse to permit such Inspection by any of the said Commissioners, or by any Person or Persons producing an Order, signed by any Five or more of the said Commissioners, for that Purpose, to him or them, then and in every such Case he or they so refusing or neglecting shall forfeit and pay for each and every such Offence any Sum not exceeding the Sum of Five Pounds.

Inhabitants
assessed
under this
Act not dis-
charged
from Statute
Duty, &c.

LXXX. And be it further enacted, That from and after the Tenth Day of October One thousand eight hundred and twenty-eight, 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 in the said Town, shall be, and they, he, and she are and is hereby exonerated, released, and for ever discharged from all Rates and Assessments for the Repairs of the Highways in the said Town, for or in respect of such Messuages, Lands, Tenements, or Hereditaments; but such Persons and Person shall not be exonerated, released, or discharged from the Performance of Statute Duty for the Repairs of the public Highways within the said Town, nor from the Payment of any Composition Money in lieu of such Statute Duty: 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 said Town, 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 Messuages, Gardens, Yards, Houses, Shops, Workhouses, Workshops, Wharfs, Warehouses, Cellars, Vaults, Manufactories, Foundries, Mills, Works, Stables, Coach-houses, Brewhouses, Malhouses, and other Buildings and Erections already built, erected, or made, or which shall hereafter be built, erected, or made, situate, standing, and being within the said Town, and upon the several Pleasure Grounds, Pastures, and Orchards thereto belonging, and also upon all Arable Lands, Meadows, Pastures, Tithes, Woods, and Hereditaments within the said Town, according to the annual Value thereof respectively, to be estimated as aforesaid, 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, and the Costs and Expences attending such Indictment.

Commission-
ers may bor-
row Money.

LXXXI. And for the more speedy and effectual raising of Money for the Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, from Time to Time to borrow, and take up at Interest any Sum or Sums of Money, not exceeding in the whole the Sum of Four thousand Pounds, upon the Credit of the Rates or Assessments to be laid

laid and collected by virtue of this Act, and by Writing under the Hands and Seals of any Five or more of the said Commissioners to mortgage and assign over the said Rates or Assessments, or any Part thereof, to the Person or Persons who shall advance or lend such Money, or his, her, or their Trustee or Trustees, as a Security for the Money so to be borrowed, together with Interest for the same; and every such Mortgage or Assignment may be according to the Form following; (that is to say,)

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

Form of
Mortgage.

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

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

Mode of
transferring
Securities.

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

LXXXIII. And be it further enacted, That Entries and Memorials of all Mortgages or Assignments to be made in pursuance of this Act, and of all Transfers thereof, expressing in Words at Length the Names, Additions, and Places of Abode, and other Descriptions of all such Persons as shall from Time to Time be entitled to the Principal Money and Interest, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, to which Book

Entries to be
made of Se-
curities.

any Person interested shall at all Times have Access, and shall at all Times have free Liberty to inspect the same, without Fee or Reward; and for the Entry of every such Transfer or Assignment the said Clerk shall be paid Two Shillings and Sixpence and no more; and every such Transfer and Assignment, after such Entry thereof as aforesaid, shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, or Assigns, to the Benefit of the Security or Grant thereby transferred; and all Persons to whom such Mortgages or Assignments shall be made, or who shall be entitled to the Monies or Annuities thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments equally one with another, without any Preference in respect to the Priority of advancing such Money, or the Dates of any such Mortgages or Assignments respectively.

Application
of Money
raised.

LXXXIV. And be it further enacted, That the Money to arise or be received by virtue of this Act shall in the first place be applied in paying and defraying the Costs, Charges, and Expences of applying for and incident to the obtaining and passing of this Act, together with lawful Interest for any Money advanced for that Purpose from the Time any Person or Persons shall pay or advance any such Money, in preference to all other Payments whatsoever, and afterwards in paying the Interest and Principal of the several Sums of Money, borrowed, and to be borrowed on the Credit of the Rates or Assessments hereby granted, and then in executing the several Works and Purposes hereby directed to be done, performed, and executed.

Penalty on
Non-attend-
ance of Wit-
nesses;

LXXXV. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses before any Justice or Justices of the Peace, touching any Matter contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecutor or on behalf of the Person or Persons accused, and shall refuse or neglect to appear from Time to Time at the Time and Place to be for that Purpose appointed, after having been paid or tendered (in case such Witness shall reside out of the Limits of this Act) a reasonable Sum, for his, her, or their Costs and Expences, without a reasonable Excuse for his, her, or their Refusal or Neglect of appearing, or appearing shall refuse to be examined upon Oath, or in case of a Quaker or Quakers, on solemn Affirmation, and to give Evidence before such Justice or Justices of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on
obstructing
Commission-
ers, &c.

LXXXVI. And be it further enacted, That if any Person or Persons shall at any Time or Times hereafter obstruct, hinder, or molest the said Commissioners, or their Collector or Collectors, Treasurer, Surveyor, or other Officer or Officers, or any Workmen, or other Person or Persons whomsoever, who shall be employed by virtue of this Act, or in any Manner concerned in the Execution thereof, in the Performance or Execution of his or their Duty or Work, every

Person

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

LXXXVII. And be it further enacted, That in all Cases where by this Act any Damages or Charges are directed to be paid, and the Manner of ascertaining the Amount thereof is not specified or 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 *Berks*; and in all Cases where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences; 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.

Damages
and Charges,
in case of
Dispute, to
be settled by
Justices.

LXXXVIII. 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, 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 acting by or under their Authority, such Sum or Sums of Money 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 in Writing shall have been made, stating the Order of such Justice or Justices, from the Clerk to the said Commissioners, or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the Treasurer to the said Commissioners for the Time being.

In case of
Nonpayment
of Compensation
for
Damage, &c.
done by the
Commissioners,
the same to be
levied by
Distress.

LXXXIX. And

Justices may proceed by Summonses in the Recovery of Penalties.

LXXXIX. 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.

Recovery and Application of Forfeitures.

XC. And be it further enacted, That all Penalties, Fines, and Forfeitures inflicted or imposed by or by virtue of this Act (the Manner of levying and recovering whereof is not hereby particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of One or more Justice or Justices of the Peace for the said County of *Berks*, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such One or more Justice or Justices, who is and are hereby authorized and required to summon and examine any Witness or Witnesses upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Penalty, Fine, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties not herein directed to be otherwise applied shall be paid to the Treasurer of the said Commissioners for the Time being, to be applied for the general Purposes of this Act, unless such Penalties shall be incurred by the said Commissioners, in which Case the same shall be paid to the Overseers of the Poor of the Parish of *Wantage* aforesaid; and it shall and may be lawful for the said Justice and Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be made whereon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid; or if it shall appear to such Justice or Justices, either by the Confession of the Offender or

or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereupon to levy such Penalty or Forfeiture, or such Costs as aforesaid, on a Warrant of Distress being issued, such Justice or Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction of the said County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have fully paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law.

XCI. And whereas Offences may be committed against this Act by Persons unknown to the Commissioners, Collectors, or other Officers appointed to put the same in execution; be it therefore further enacted, That it shall be lawful for any of the said Commissioners, or any of their Officers, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person or Persons as shall commit any such Offence or Offences, and to take him, her, or them before any Justice or Justices of the Peace for the County of *Berks*; and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders, according to the Provisions of this Act. For securing transient Offenders.

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

‘ Town of *Wantage*, in the } BE it remembered, That on the
 ‘ County of *Berks*, to wit. } Day of _____ in the Year of our
 ‘ Lord _____ is convicted before me
 ‘ of His Majesty’s Justices of the Peace for the
 ‘ of having [*here specify the Offence or Omission, and the Time and*
 ‘ *Place when and where committed, as the Case may be*]; and I [*or we,*
 ‘ *as the Case may be,*] do adjudge that the said
 ‘ hath forfeited for his [*or her*] said Offence the Sum of _____
 ‘ Given under my Hand and Seal [*or our Hands and Seals, as the*
 ‘ *Case may be,*] the Day and Year first above written.’

XCIII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity Distress not unlawful for Want of Form.

[Local.]

21 X—Y

that

that shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularities may recover Satisfaction for the special Damage in an Action on the Case.

Appeal to be made to the Quarter Sessions.

XCLV. Provided always, and be it further enacted, That any Body or Bodies Politic, Corporate, or Collegiate, or any other Person or Persons whomsoever, thinking himself, herself, or themselves aggrieved by any Rate or Assessment, or by any Order or Judgment of the said Commissioners, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Four Calendar Months after the Cause of Complaint, shall have arisen, appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the said County of Berks, the Person or Persons appealing having first given at least Ten clear Days Notice of such Appeal, and of the Nature and Matter thereof, to the Person or Persons appealed against, or to the said Commissioners, (as the Case may be,) and forthwith after such Notice entering into a Recognizance before some Justice or Justices of the Peace, with sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justice or Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace, or, if he or they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the said County, and shall and may also award such Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Justices may relieve, on Appeal from Rates of Commissioners, without quashing the whole.

XCV. Provided always, and be it further enacted, That in any Appeal from the said Rates or Assessments, or any of them, the Justices at the General or Quarter Sessions to be holden for the said County, or at any Adjournment thereof, shall and may amend the same in such Manner as may be necessary for the giving Relief, without quashing or altering such Rates or Assessments with respect to other Persons mentioned therein; but if upon Appeal against the whole Rate or Assessment it shall be found necessary to set aside the same, then and in every such Case it shall and may be lawful to and for the said Justices to order a new Rate or Assessment to be made in manner herein directed.

Inhabitants may be Witnesses.

XCVI. And be it further enacted, That no Person shall, in any Action, Prosecution, or other Proceedings whatsoever relating to or concerning the Execution of this Act, be deemed an incompetent Witness on account of his or her being charged with or liable to pay any Rate or Assessment to be raised and collected by virtue of this Act.

Plaintiff not to recover after Tender of Amends.

XCVII. And be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person for any thing done

done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-eight Days before such Action shall be commenced, of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender be made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think proper, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

XCVIII. And be it further enacted, That no Action or Suit shall be brought against any Person or Persons for any thing done in pursuance of this Act, or in relation to the Matters herein contained, after Six Calendar Months from the Fact committed; and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may, at his or their Election, plead specially or the General Issue, and give this Act and the Special Matter in Evidence at any Trial, and that the same was done in pursuance of and under the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall have been brought before the Expiration of Twenty-eight Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in any of the said Cases the Jury shall find a Verdict for the Defendant or Defendants.

Limitation of
Actions.

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

No Proceed-
ings to be
removed by
Certiorari.

C. And be it further enacted, That in all Cases wherein it may be necessary or requisite for any Person or Persons, Party or Parties, to serve any Notice or Notices, or any Writ or Writs, or other legal Proceedings, upon the Commissioners for executing this Act, the Service of such Notice in Writing upon any of the said Commissioners, or upon their Clerk, or leaving the same at the usual Place of Abode of any of the said Commissioners in the said Town, or at the Office of the said Commissioners, or at the Office or Dwelling House of the Clerk to the said Commissioners, or at the Dwelling House of the Treasurer or any other Officer of the said Commissioners,

Notices on
Commission-
ers how to
be served.

Liability of
the Lord of
the Manor to
repair the
Streets not to
be affected.

For preserv-
ing the
Rights of the
Lord of the
Manor of
Wantage.

Limits of the
Town.

Public Act.

sioners, shall be deemed a sufficient Service of the same respectively upon the said Commissioners.

CI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to lessen or in any Manner affect the Liability of the Lord of the Manor of Wantage for the Time being to repair any of the Streets, Lanes, Passages or Places within the said Town, in the Manner he has been accustomed to do, otherwise than as the same is hereby altered as far as the same extends to the Footways, and necessary Alterations of Gutters or Watercourses occasioned thereby.

CII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to take away, lessen, or diminish the Right of the Lord of the Manor of the said Town of Wantage to make, erect, set, or place Booths, Stalls, Benches, Forms, and other Things within the Market Places in the said Town on Market Days, or within any of the Market Places or other public Places during the usual Time of holding any Fair within the said Town, nor the Right to any Rents, Customs, Tolls, Duties, or Profits whatsoever, heretofore payable to him for or in respect of any Markets or Fairs, or of any Booths, Stalls, Benches, Forms, or of any Projections or other Things to be there made, erected, set, or placed as aforesaid, nor any other Right, Liberty, or Franchise whatsoever, belonging to the Lord or Lords of the Manor or Manors within the said Town; but the said Lord or Lords of the Manor or Manors, his and their Heirs and Assigns, shall continue to enjoy all such Rights, Liberties, and Franchises, and to have, receive, and enjoy all such Rents, Tolls, Duties, and Profits, in like Manner as he or they could or might or ought to have done if this Act had not been made.

CIII. And be it further enacted, That for all and every the Purposes of this Act the Town of Wantage shall comprise and be deemed to be co-extensive with the Township of Wantage.

CIV. 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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