



ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

Cap. cxii.

An Act for improving the Streets and public Places, and erecting a Town Hall and improving the Markets, in the Township of *Blackburn* in the County Palatine of *Lancaster*.
[22d June 1841.]

WHEREAS an Act was passed in the Forty-third Year of the Reign of King *George* the Third, intituled *An Act for regulating the Markets within the Town of Blackburn in the County Palatine of Lancaster, and for improving the Streets and other Places within the said Town*: And whereas since the passing of the said Act the said Town hath been greatly enlarged by the Formation of many new Streets within the Township of *Blackburn*, and the Number of Houses and Buildings and Inhabitants has very greatly increased, and is still increasing within the same; and the Powers and Provisions of the said Act have been found insufficient for effecting the Purposes therein mentioned, in the new and increased Parts of the said Town, and it is therefore expedient that the same should be altered, amended, extended, and enlarged: And whereas it would be advantageous to the Inhabitants of the said Town and Township of *Blackburn*, and to the Public resorting thereto, if better Provision were made for lighting, cleansing, and repairing the Streets
[Local.] 27 G and 43 G.3.c.125.

and public Places, and flagging, paving, and repairing the Footways, in the said Township of *Blackburn*, and for widening, opening, and improving the Streets and public Places, and regulating the Formation of new Streets therein, and cleansing and improving the Waterway and Course of the Brook or Stream called the *Blakeburn* or *Blakewater*, and repairing and erecting Bridges over the said Brook, and for improving the present Drains and Sewers and making new Drains and Sewers within the said Township, and removing and preventing Projections, Obstructions, Nuisances, and Annoyances, and for the Establishment and Regulation of an effective Police therein, with Powers for erecting or providing a Town Hall and public Offices, a Prison and Lock-up Houses, Market Houses and Market Places, and regulating the Markets therein, and for the general Improvement of the said Town and Township: And whereas *William* Lord Archbishop of *Canterbury* in right of his See is seised of One Moiety of the Manor or reputed Manor of *Blackburn* aforesaid, and *Joseph Fielden* Esquire is seised of the other Moiety of the said Manor or reputed Manor, and the said Archbishop and *Joseph Fielden*, as Lords of the said Manor, have been accustomed to appoint the Constable of the said Township and Manor of *Blackburn*: And whereas the several Purposes aforesaid might be more efficiently and conveniently effected if the said recited Act were repealed, and if another Act, with further and other Powers and Provisions, were to be passed in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act the said recited Act passed in the Forty-third Year of the Reign of His late Majesty King *George* the Third shall be repealed, and that this Act shall thereafter be put into execution for the Purposes herein-after mentioned.

Recited Act repealed, and this Act to be put in force.

Rates under former Act to continue in force.

II. Provided always, and be it enacted, That the Repeal of the said recited Act shall not extend to annul any Rate or Assessment made in pursuance of the said recited Act, but the same shall continue in force, and be paid to the Commissioners for executing this Act, and the same, and all Arrears thereof, shall be collected and recovered by the same Ways and Means as any Rates or Assessments made in pursuance of this Act, or any Arrears thereof, may under this Act be collected and recovered.

Rates to be liable to Debts under former Act.

III. And be it enacted, That the Rates and Assessments made in pursuance of the said recited Act hereby repealed and now in force, and all Monies to arise in respect thereof after the passing of this Act, and all Rates and Assessments to be made in pursuance of this Act, and all Monies to arise in respect thereof, or which shall be received under the Authority of this Act, shall be and are hereby made liable to the Payment and Discharge of all Debts and Monies which at the Time of the passing of this Act are or shall be due and owing by the Trustees under the Act hereby repealed in respect of the Execution thereof; and all such Debts and Monies shall be recoverable under this Act by the several Persons to whom the same are so due.

IV. And be it enacted, That all Persons who at the Time of the passing of this Act are liable to the Payment of any Sum of Money to the Trustees for executing the said recited Act hereby repealed shall, notwithstanding the Repeal of the said Act, be liable to the Payment thereof in like Manner as if the said Act had not been repealed; and the same shall be paid, with all Interest due and to accrue due thereon, to the Commissioners for executing this Act, and the Payment thereof may be enforced by the Commissioners for executing this Act.

Persons
owing Debts
under former
Act to be
liable under
this Act.

V. And be it enacted, That all Contracts, Agreements, Bonds, Covenants, Securities, and Engagements entered into or made before the passing of this Act to, with, or by the Trustees acting in execution of the said recited Act hereby repealed, or to, with, or by any Person acting by virtue of the said recited Act on behalf of such Trustees, shall, notwithstanding the Repeal of the said Act, be, remain, and continue of the same Validity, Force, and Effect, in Law or Equity, to all Intents and Purposes as if the said Act had not been repealed, and shall be as available for the Purposes for which the same respectively were entered into or made, and for the Purposes of this Act, as if the same respectively had been entered into and made to, with, or by the Commissioners for executing this Act, and may be pleaded and enforced by all, any, and every the Parties thereto accordingly.

Contracts,
&c. to remain
in force.

VI. And be it enacted, That the Repeal of the said recited Act shall not extend to prevent the suing for or Recovery of any Penalty incurred, in respect of any Offence against the Provisions of the said Act so repealed, previously to the passing of this Act, or to prevent or defeat any Prosecution commenced or which might have been brought for any such Offence, but all Penalties which have been incurred before the passing of this Act under the Provisions of the said Act may be sued for and recovered under the Provisions of this Act, and all Offences which have been committed before the passing of this Act against the Provisions of the said recited Act may be prosecuted under the Provisions of this Act.

Repeal of
former Act
not to pre-
vent the
Recovery of
Penalties, or
to defeat
Prosecu-
tions.

VII. And be it enacted, That all Clerks, Surveyors, Collectors, and other Officers appointed by virtue of the said recited Act hereby repealed, and not acting contrary to the Provisions and Directions in this Act contained, except the Treasurer, shall hold and enjoy their respective Offices and Employments, together with their respective Salaries, Gratuities, and Allowances thereunto annexed, until they shall be respectively removed therefrom by the Commissioners for executing this Act; and every such Officer and Person shall, while he shall continue in Office, be subject to the like Penalties and Powers of Removal, and to the like Rules, Regulations, and Proceedings, as if he had been appointed by virtue of this Act; and every such Clerk, Surveyor, Collector, and other Officer, and every Treasurer of the Trustees under the said recited Act hereby repealed, who shall have in his Custody or Possession any Money collected or received by virtue of the said recited Act hereby repealed, or any Books, Deeds, Papers, Writings, or Effects belonging to the Trustees acting in execution of the said Act, or relating to the Execution of the same

Officers
under former
Act to hold
their Situa-
tions till
removed.

Act

Act or of this Act, shall be liable to account for such Monies, and to deliver up all such Books, Deeds, Papers, Writings, and Effects, to the Commissioners for executing this Act, or to such Person as they shall appoint to receive the same, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as if such Clerks, Surveyors, Collectors, and other Officers and Treasurers had been appointed by the Commissioners for executing this Act, and shall be liable to the Payment of and shall pay all such Monies to the Commissioners for executing this Act, or to the Treasurer to be appointed in pursuance of this Act, and shall be subject to the Provisions of this Act for Recovery thereof in case of Refusal or Neglect to pay.

Old Books to
be Evidence.

VIII. And be it enacted, That all Rate Books, and all Entries therein, and all Registers and Books of Proceedings of the Trustees under the said recited Act hereby repealed, kept according to the Directions of the said Act, and made Evidence thereby, or which might have been received as Evidence at the Time of the passing of this Act, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Appointment
of Commis-
sioners.

IX. And be it enacted, That every Male Person of the Age of Twenty-one Years, being a resident Inhabitant within the said Township of *Blackburn*, or within Three Miles of any Part of the Boundary thereof, and either being rated to the Rate made for the Relief of the Poor of the same Township in the annual Sum of Thirty Pounds or upwards, or being seised or possessed or in the Enjoyment, for his own Use, of the Rents and Profits of Lands and Hereditaments within the said Township of the annual Value of Thirty Pounds for an Estate not less than a Life in being, or for a Term of Years of which not less than Twenty-one Years shall be unexpired, and whether determinable on a Life or Lives or not, shall be a Commissioner for carrying this Act into execution; and such Commissioners shall be called "The *Blackburn* Improvement Commissioners."

Same Pro-
perty not to
give Two
Qualifica-
tions.

X. Provided always, and be it enacted, That the same Property shall not give a Qualification to Two Commissioners at the same Time, as Owner and Occupier thereof; but in case any Person, being such resident Inhabitant, shall be Owner of more than One Estate in the said Township rated in the Amount aforesaid, such Owner shall, at the Time of qualifying as herein-after mentioned, declare, in Writing under his Hand, in respect of which Estate he so qualifies, in order that the Tenant of any other Estate may have the Privilege of qualifying in respect thereof; and the Owner or Occupier of any Estate who shall first qualify as a Commissioner in respect thereof shall exclude the other.

Where more
Persons than
One jointly
rated, each
Person may
qualify if his
Proportion
amounts to
30/.

XI. And be it enacted, That where more Persons than One shall be jointly rated as aforesaid each of such Persons shall be a Commissioner, in case the Sum at which the Lands in respect of which he shall propose to qualify shall be rated shall, when divided by the Number of Occupiers rated, give a Sum, either by itself or with
any

any other Sum or Sums rated upon such Person, of not less than Thirty Pounds for each such Person.

XII. And be it enacted, That no Bankrupt or Insolvent, or Person not qualified as herein-before mentioned, shall be capable of being or continuing a Commissioner. No Bankrupt or Insolvent to be a Commissioner.

XIII. And be it enacted, That no Person who shall accept or continue to hold any Office or Place of Trust or Profit under this Act, or be concerned in any Contract, or participate in any Manner in any Work to be done under the Authority of this Act, shall be capable of being or continuing a Commissioner. No Person holding Office, &c. to be a Commissioner.

XIV. Provided always, and be it enacted, That no Person being a Shareholder or Member of any Joint Stock Company established by Act of Parliament shall be prevented from acting as a Commissioner by reason of any Contract entered into between such Company and the Commissioners, but no such Commissioner being a Member of such Company shall vote on any Question relating to the Execution of this Act in which such Company may be interested. Shareholders in certain Companies not disqualified by reason of Contracts.

XV. And be it enacted, That a Person shall not be incapable of acting as a Justice of the Peace in any Matter relating to the Execution of this Act by reason of his being a Commissioner. Commissioner may act as a Justice.

XVI. And be it enacted, That no Person shall be capable of acting as a Commissioner, except in administering the Declaration hereinafter mentioned, until he shall have made and signed before one of the Commissioners a Declaration to the Effect following: Declaration by Commissioners.

‘ I *A. B.* do solemnly declare, That I will faithfully and impartially, according the best of my Skill and Judgment, execute all the Powers and Authorities reposed in me as a Commissioner by virtue of an Act of Parliament, intituled *An Act for improving the Streets and public Places, and erecting a Town Hall and improving the Markets, in the Township of Blackburn in the County Palatine of Lancaster*; and also that I am a resident Inhabitant of the said Township, or within Three Miles of the Boundary thereof, and am rated to the Rates made for the Relief of the Poor of the same Township in the annual Sum of Thirty Pounds [*or that I am a resident Inhabitant of the said Township, or within Three Miles of the Boundary thereof, and am seised and possessed or in the Enjoyment, for my own Use, of the Rents and Profits of Lands and Hereditaments within the said Township of the annual Value of Thirty Pounds for an Estate not less than a Life in being, or for a Term of Years of which not less than Twenty-one are now unexpired*].’

XVII. And be it enacted, That any Person who shall falsely or corruptly make and subscribe a Declaration under this Act, knowing the same to be untrue in any Particular, shall be deemed guilty of a Misdemeanor. False Declaration a Misdemeanor.

XVIII. And be it enacted, That at the Meeting of Commissioners at which any Person shall first attend as one of such Commissioners Declaration to be taken at First Meeting.

[Local.]

27 H

such Meeting.

such Person shall make and subscribe the Declaration herein required; and it shall be lawful for any Person attending as one of such Commissioners, whether he shall himself have made such Declaration or not, to administer such Declaration.

Penalty for acting as Commissioner not being qualified.

XIX. And be it enacted, That if any Person shall act as a Commissioner, being incapacitated to act, or not being duly qualified, or before he shall have made or subscribed such Declaration as aforesaid, or after having become disqualified, he shall for every such Offence forfeit the Sum of Fifty Pounds; and such Penalty may be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by any Person who shall sue for the same by Action of Debt or on the Case, and in every Action for the Recovery of such Penalty the Person so sued shall prove that he was qualified, and had made and subscribed the Declaration aforesaid, or he shall pay the said Penalty and Costs, without any other Proof or Evidence on the Part of the Plaintiff than that such Person hath acted as a Commissioner in the Execution of this Act; nevertheless, all Acts and Proceedings of any Person acting as a Commissioner, being incapacitated, not duly qualified, or being disqualified, done previous to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified.

First and other Meetings.

XX. And be it enacted, That the Commissioners for executing this Act shall hold their First General Meeting at the Sessions Room, or other convenient Place within the said Township, on the Third *Friday* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to put this Act into execution; and a General Meeting of the Commissioners shall be held on the First *Friday* in every Month (except if it be *Good Friday*, and then on the following Day), at the Place and between the Hours aforesaid, unless some other Place shall be appointed by the Commissioners; and it shall be lawful for the Commissioners present at such First or any subsequent Meeting from Time to Time to adjourn such Meeting to the same or any other Place within the said Township; and if at any such Meeting there shall not be Five Commissioners present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Commissioners present, or the major Part of them, or any One Commissioner if only One be present, to adjourn such Meeting to another Day, and if the Meeting shall not be adjourned then it shall be lawful for any Two of the Commissioners or the Clerk to appoint a Meeting to be held at any convenient Place within the said Township, and not less than Seven Days Notice shall be given of such intended Meeting.

Special Meetings.

XXI. And be it enacted, That it shall be lawful for the Commissioners to hold Special Meetings, and any Two or more of the Commissioners may require a Special Meeting to be held, but no such Meeting shall be held unless Seven Days Notice thereof shall be given.

Quorum of Commissioners.

XXII. And be it enacted, That all Powers of this Act may be exercised by any Five or more of the Commissioners present at any Meeting

Meeting holden in pursuance of this Act, and no Business shall be transacted at any Meeting of the Commissioners unless Five or more Commissioners shall be present at such Meeting.

XXIII. And be it enacted, That all Notices by this Act required to be given of any Meeting to be held under the Authority of this Act shall be affixed at the Parish Church in the Place where other public Notices are customarily posted there, on some *Sunday* before Divine Service, and also be advertised in One or more Newspapers circulated within the said Township Seven Days at least previous to such Meeting; and every Notice shall specify the Time and Place of Meeting, and in case of a Special Meeting shall specify the Object thereof, and no Business shall be transacted at any Special Meeting except such as is stated in the Notice thereof.

How Notices of Meetings are to be given.

XXIV. And be it enacted, That at all Meetings of the Commissioners they shall defray their own Expences, except for the Use of the Room in which the Meeting is held.

Expences at Meetings.

XXV. And be it enacted, That it shall be lawful for the Commissioners at any General Meeting to appoint a Committee, consisting of not more than Five of the Commissioners, for carrying into effect any of the Provisions of this Act, and at any General Meeting to continue, alter, or discontinue such Committee, but no such Committee shall be appointed to act for a longer Term than until the annual General Meeting of the Commissioners next following its Appointment.

General Meeting may appoint Committees.

Duration of Committees.

XXVI. And be it enacted, That no Business shall be transacted at any Meeting of the Committee unless Three Members of the Committee be present.

Quorum of Committees.

XXVII. And be it enacted, That at every Meeting of the Commissioners or Committee one of the Commissioners present shall be elected Chairman by the Majority of the Votes of the Commissioners present at such Meeting, and all Questions considered at any such Meeting shall be decided by the Votes of the Majority present, and if there be an equal Division of Votes the Chairman, in addition to his own Vote as a Commissioner or Member of the Committee, shall have a casting Vote: Provided always, that if at any such Meeting there shall be an Equality of Votes in the Election of the Chairman that one of the Commissioners having equal Number of Votes whose Name would stand first if the Names of the Commissioners present were alphabetically arranged shall be Chairman of such Meeting.

Order of Business at Meetings of Commissioners and Committees.

XXVIII. And be it enacted, That no Resolution or other Act of any Meeting of the Commissioners shall be revoked or altered at any subsequent Meeting, unless such subsequent Meeting be called expressly for such Alteration or Revocation by Notice given Twenty-one Days at least previous to the holding thereof, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Two Thirds of the Commissioners present at such subsequent

No Resolution of Commissioners to be revoked at a subsequent Meeting unless under certain Circumstances.

subsequent Meeting, if the Number of the Commissioners present at such subsequent Meeting be not greater than the Number present when such Resolution was made or such Act was done, or if the Number of Commissioners present at such subsequent Meeting be greater than the Number present at such former Meeting, then by a simple Majority.

Proceedings to be entered in Books, which may be Evidence.

XXIX. And be it enacted, That regular Entries shall be made in a proper Book, to be provided for the Purpose, of the Names of the Commissioners who shall attend the respective Meetings, and of all their Acts, Orders, Resolutions, and Proceedings, and the Chairman of the Meeting shall subscribe his Name at the End of the Proceedings at such Meetings; and all such Entries, being so signed, shall be allowed to be read in Evidence in all Causes, Suits, and Actions touching any thing done in pursuance of this Act.

For what Contracts may be made.

XXX. And be it enacted, That it shall be lawful for the Commissioners to enter into Contracts with any Persons for the Execution of any Works directed or authorized by this Act to be done by the Commissioners, and for furnishing any Materials for the same, or which may be required by the Commissioners; and every such Contract shall be in Writing, and shall specify the Works to be done, and the Materials to be furnished, and a Copy thereof shall be entered into a Book to be kept by the Clerk of the Commissioners for that Purpose.

How Contracts are to be signed.

XXXI. And be it enacted, That every such Contract shall be signed by any Three of the Commissioners and the other Parties thereto, and such Contracts shall be binding on the Commissioners, and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the Commissioners or the other Parties failing in the Execution thereof.

Materials for Works to be considered the Property of the Commissioners.

XXXII. And be it enacted, That during the Execution of any such Contract the Works in course of being done under such Contracts, and all the Materials of every Description brought upon or near such Works for the Purpose of being used in the Execution of such Contracts, shall, for the Purpose of protecting the same from Injury by Indictment as herein-after mentioned, be held to be the Property of such Commissioners.

Indictments how to be preferred.

XXXIII. And be it enacted, That it shall be lawful for the Commissioners by their Clerk to prefer any Bill of Indictment against any Person who shall steal, take or carry away, deface, or injure any such Materials as aforesaid, or any Property, Article, or Thing belonging to the Commissioners; and in any such Bill of Indictment it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Bill of Indictment shall be preferred to be the Property of the "*Blackburn Improvement Commissioners*," without naming the Members thereof.

Commissioners not to be personally liable.

XXXIV. And be it enacted, That nothing in any Deed or Contract by this Act authorized to be made by or on the Behalf of the Commissioners

missioners for any of the Purposes of this Act shall extend to charge or affect the Persons of any of the Commissioners, or their Heirs, Executors, or Administrators, or their or any of their own proper Lands or Goods, with or for the Performance of any thing contained in any such Instrument; but the Amount of all Damages, Costs, and Charges recovered in any Action or Suit in consequence of any such Instrument, or which any such Commissioner shall otherwise be put to by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of this Act, or other the Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Commissioner incurring the same, or unless such Action or Suit have been defended without the Order or Direction of the Commissioners.

XXXV. And be it enacted, That in all Actions and Suits in respect of any Matter or Thing relating to the Execution of this Act to be brought by or against the Commissioners it shall be sufficient to state the Names of any Two of the Commissioners, or the Name of their Clerk, as the Party, Plaintiff or Defendant, representing the Commissioners in any such Action or Suit; and no such Action shall abate or be discontinued by the Death of any such Commissioner, or by the Death, Suspension, or Removal of such Clerk.

Actions or Suits to be brought in the Name of any Two Commissioners or their Clerk.

XXXVI. And be it enacted, That Executions upon every Judgment or Decree against the Commissioners in any such Action or Suit shall be executed against the Goods and Chattels belonging to the Commissioners by virtue of their Office.

Executions against Goods of Commissioners.

XXXVII. And be it enacted, That every such Commissioner or Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Commissioners, shall be reimbursed, out of the Monies which shall come into the Hands of the Treasurer of the Commissioners by virtue of his Office, all Damages, Costs, Charges, and Expences to which any such Commissioner or Clerk may be put, or with which he may become chargeable, by reason of being so made Plaintiff or Defendant; and no such Commissioner or Clerk shall be personally liable for the Payment of the same unless such Action or Suit have arisen in consequence of his own wilful Neglect or Default, or unless, if such Action have been brought by the Clerk or Two Commissioners or more as aforesaid, it have been so brought without the Order or Direction of the Commissioners.

Indemnity to Commissioners and Clerk.

XXXVIII. And be it enacted, That the Commissioners shall from Time to Time appoint a Treasurer and Clerk, Collector and Assessor, and such other Officers as they shall think fit, with such Salaries and Allowances as they think reasonable, and may remove such Clerk, Treasurer, Collector, Assessor, and Officers, and appoint others in their Stead.

Commissioners to appoint Treasurer and other Officer.

XXXIX. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person
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Offices of Clerk and Treasurer to be separate.

Penalty.

in the Service or Employ of such Clerk or of his Partner, shall be eligible to be Treasurer, and that neither the Person who shall be the Treasurer, nor any Person in the Service or Employ of such Treasurer or of his Partner, shall be eligible to be the Clerk; and if any Person offend in any of the following Cases he shall forfeit One hundred Pounds; (that is to say,)

If any Person accept both the Office of Clerk and Treasurer :

If any Person being the Partner of such Clerk, or in the Service or Employ of such Clerk or of his Partner, accept the Office of Treasurer, or act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer :

If any Person being the Treasurer or the Partner of such Treasurer, or in the Service or Employ of such Treasurer or of his Partner, accept the Office of Clerk, or act as Deputy of such Clerk, or in any Manner officiate for such Clerk :

If any such Clerk or Treasurer hold any Place of Profit or Trust under the Commissioners other than that of Clerk or Treasurer, as the Case may be :

And any Person may sue for such Penalty, either by Action of Debt or on the Case, in any of Her Majesty's Superior Courts of Record at *Westminster*, and shall on Recovery thereof be entitled to full Costs of Suit.

Officer taking Fees to lose his Office, and forfeit 50*l*.

XL. And be it enacted, That if any such Treasurer, Clerk, Collector, or other Officer employed by the Commissioners, exact, take, or accept, on account of any thing done by virtue of his Office, or in relation to the Functions of the Commissioners, any Fee or Reward whatsoever other than the Salaries, Rewards, or Allowances allowed by the Commissioners, or be in anywise concerned or interested in any Bargain or Contract made by the Commissioners, he shall be incapable of being afterwards employed by the Commissioners, and he shall forfeit Fifty Pounds to any Person who shall sue for the same as aforesaid.

Commissioners to take Security from all Officers entrusted with Money.

XLI. And be it enacted, That the Commissioners shall take from their Treasurer, and also from all other Officers in their Employ intrusted with the Receipt or Disbursement of Money, sufficient Security for the due Execution of their respective Offices, and for answering and paying, as the Commissioners shall from Time to Time require, all Sums of Money which shall be by them respectively received, and also for their giving and making respectively true Accounts in Writing from Time to Time, when required by the Commissioners so to do, of all Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

Officers to account.

XLII. And be it enacted, That every Officer appointed or employed by the Commissioners by virtue of this Act shall from Time to Time, when required by the Commissioners, make out and deliver to them, or to any Person appointed by them for that Purpose, a true and perfect Account, in Writing under his Hand, of all Monies received by him on behalf of the Commissioners; and such Account shall state how, and to whom, and for what Purpose, such Monies have been disposed

disposed of; and, together with such Account, such Officers shall deliver the Vouchers and Receipts for such Payments; and every such Officer shall pay to the Commissioners, or to any Person appointed by them to receive the same, all Monies which shall appear to be owing from him upon the Balance of such Accounts.

XLIII. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Commissioners, or to any Person appointed by them to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Commissioners, then, on Complaint thereof being made to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before him, or if such Officer cannot be found then in his Absence such Justice may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Commissioners are in the Hands of such Officer, or owing by him to the Commissioners, such Justice may order such Officer to pay the same forthwith, and if he shall fail to pay the Amount it shall be lawful for such Justice to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain without Bail for any Time not exceeding Three Months; and in any of the following Cases; (that is to say,)

If such Officer do not appear before such Justice at the Time appointed; or

If such Officer appear, but fail to make out such Account in Writing; or

If such Officer refuse to produce and deliver to the Justice the several Vouchers and Receipts relating to such Account in his Possession or Power; or

If such Officer refuse to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, relating to the Execution of the Act, or belonging to the Commissioners, in his Possession or Power;

Such Justice may lawfully commit such Offender to Gaol; and in every such Case of Commitment the Prisoner shall remain in Custody without Bail until he have made out and delivered such Accounts, and delivered up the Vouchers and Receipts, if any, relating thereto, in his Possession or Power, and have delivered up such Books, Papers, Writings, Property, Effects, Matters, and Things, if any, in his Possession or Power.

XLIV. And be it enacted, That no such Proceeding against or dealing with any such Officer as aforesaid shall deprive the Commissioners

Remedy
against
Officers
failing to
account.

Commitment
not to dis-
charge Sure-
ties.

sioners of any Remedy which they might otherwise have against any Surety of such Officer.

Books of Account to be kept, and to be open to Inspection.

XLV. And be it enacted, That the Commissioners shall cause a Book to be kept by their Clerk, in which such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended; and such Book shall at all seasonable Times be open to the Inspection of the Commissioners, and of every Creditor on the Rate and Assessment by this Act authorized to be made, and of every Person paying such Rate or Assessment, without any Fee being demanded for such Inspection; and it shall be lawful for any of the Commissioners, Creditors, and other Persons aforesaid, at seasonable Times, to take Copies of or Extracts from the said Book without paying any thing for the same; and if, on Request for that Purpose, the Clerk shall fail to permit any of the Commissioners, Creditors, or Persons aforesaid to inspect such Book, or to take Copies or Extracts as aforesaid, such Clerk shall for each such Default forfeit a Sum not exceeding Five Pounds.

Accounts to be produced to the Commissioners at their Meeting in January, and examined and settled.

XLVI. And be it enacted, That the Accounts of the Monies received and expended by the Commissioners shall be produced at the first ordinary Meeting of the Commissioners which shall take place in the Month of *January* in every Year, or at some Adjournment thereof, at which Meeting it shall be lawful for all Persons interested to be present; and such Accounts shall be examined and settled by the Commissioners, and if the same shall be found just and true they shall be allowed by the Commissioners, and certified accordingly, under the Hand of the Chairman of such Meeting; and after such Account shall have been so allowed and signed the same shall be final in regard to all Persons whomsoever, unless an Appeal be prosecuted against such Accounts at One of the Two then next General Quarter Sessions of the Peace for the County Palatine of *Lancaster*, which Appeal it shall be lawful for any Person interested in such Account to institute and prosecute, Notice in Writing of such Appeal having been given to the Clerk of the Commissioners Fourteen Days at least before the hearing of any such Appeal.

A Statement of the Accounts to be prepared, Ten Days previously, and to be open for Inspection.

XLVII. Provided always, and be it enacted, That Ten Days at the least previously to such Examination and Settlement as aforesaid the Commissioners shall cause a full and true Statement and Account to be drawn out of all Rates or Assessments made, and of all Contracts entered into, and of all Monies received and expended, by virtue of this Act, during the preceding Year, and also of all Debts then owing by the Commissioners, and they shall allow such Statement and Account to remain for Inspection at the Office of the Commissioners; and every Creditor on the Rates and Assessments by this Act authorized to be made, and every Person paying any such Rate or Assessment, or any Person acting on behalf of any such Creditor or Ratepayer, may at all reasonable Times inspect such Statement and Account; and the said Statement and Account shall be printed, and the

the Clerk shall, on Demand, furnish a printed Copy thereof to every such Creditor and Rate-payer without Fee; and Fourteen Days at the least previously to the Meeting for examining and settling such Accounts the Commissioners shall give public Notice of such intended Meeting, stating in such Notice that the said Statement and Account are at the Office of the Commissioners ready for the Inspection of the Creditors or Rate-payers or other Parties interested.

XLVIII. And be it enacted, That an Abstract of the said Statement and Account shall be published in some Newspaper printed in the said Township, or if none shall be printed therein, then in some Newspaper circulated within the said Township, or if the Commissioners shall think proper such Abstract may, instead of being so published, be printed in Handbills, and posted and distributed in the said Township, or in their Discretion the Commissioners may adopt both Methods of Publication.

Abstract of Accounts to be published.

XLIX. And be it enacted, That at the Meeting so to be held for examining and passing the Accounts of the Commissioners it shall be lawful for the Commissioners to nominate, if they think fit so to do, Two or more Persons, not being Commissioners, to be Auditors of the Accounts of the Commissioners.

Auditors may be appointed.

L. And be it enacted, That the Auditors so nominated shall meet forthwith, or as soon after their Appointment as conveniently may be, at the Office of the Commissioners, or at some other convenient Place to be appointed by the Commissioners, and from Time to Time shall, in the Presence of the Clerk to the Commissioners, in case he should desire to be present, proceed to audit the Accounts of the Commissioners for the Year preceding the Appointment of such Auditors; and the Commissioners shall by their Clerk produce and lay before such Auditors at every such Meeting the Statement and Account hereinbefore mentioned, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and if such Auditors think there is just Cause to disapprove of any Part of the said Accounts it shall be lawful for such Auditors, or any other Person interested in the said Accounts, to appeal against any such Parts of the said Accounts as shall be so disapproved of to One of the Two next General Quarter Sessions of the Peace for the County Palatine of *Lancaster*, Notice in Writing of such Appeal being given to the Clerk of the Commissioners Fourteen Days at the least prior to the hearing of such Appeal.

Auditors to inspect Accounts, and to appeal if they think fit.

LI. And be it enacted, That the Commissioners shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirty-first Day of *December* or some other convenient Day in each Year; under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Clerk for the Time being of the Commissioners, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County

An Annual Account to be prepared, and a Copy transmitted to the Clerk of the Peace.

Palatine of *Lancaster*, on or before the Thirty-first Day of *January* in each Year, which Account shall be open to the Inspection of the Public at all seasonable Hours on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the Commissioners shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Power to borrow on Mortgage.

LII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to borrow at Interest, on the Credit of the several Rates or Assessments by this Act granted, and other Property vested in such Commissioners, any Sum of Money which, together with any Sum previously borrowed, shall not exceed the Sum of Six thousand Pounds, and, in the event of any Part of such Sum of Money being repaid by the Commissioners, to re-borrow the same, and so *toties quoties*, but so nevertheless that there shall not be owing on the Security aforesaid any more than the Sum of Six thousand Pounds in the whole at any one Time; and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners, or any Five of them, may assign over the said Rates, Assessments, and other Funds or Property, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Form of Mortgage.

LIII. And be it enacted, That every such Assignment or Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Hands and Seals of Five of the Commissioners, and may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect.

Mortgages to be without Preference.

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

Commissioners may raise Money by Annuity.

LV. And be it enacted, That it shall be lawful for the Commissioners to raise all or any Part of the Money to be borrowed for the Purposes of this Act, by granting Annuities for Lives instead of Assignments as aforesaid, and for that Purpose for the Commissioners, or any Five of them, to charge the Rates and Assessments granted by this Act with an Annuity, to determine on a Life or Lives in being, in favour of any Person who shall advance to the Commissioners any Sum of Money for the Purchase of the same.

Form of Grant of Annuity.

LVI. And be it enacted, That every such Grant of Annuity shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be made under the Hands and Seals of Five of the Commissioners, and may be in the Form in Schedule (B.) to this Act annexed, or to the like Effect.

LVII. And for preventing improvident Grants of Annuities, be it enacted, That the Price to be paid for any such Annuity shall not be less than the Price of a similar Annuity paid by Law for such Annuity granted by the Commissioners for the Reduction of the National Debt.

For preventing improvident Grants of Annuities.

LVIII. And be it enacted, That every Annuity so granted shall be paid out of the Rates or Assessments according to the Grant of such Annuity, and shall have Priority after any Mortgages or Assignments granted under this Act.

Annuities to rank after Mortgages.

LIX. And be it enacted, That the Expences of every Assignment or Mortgage and Grant of Annuity shall from Time to Time be defrayed by the Commissioners out of the Money raised by the same.

Expences of Mortgages and Annuities.

LX. And be it enacted, That a Register of such Mortgages or Assignments and Annuities shall be kept by the Clerk to the Commissioners, and within Fourteen Days after the Date of any such Mortgage or Assignment or Annuity an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register; and such Register may be perused at all reasonable Times by any Person interested therein without Fee or Reward.

Register of Mortgages, &c. to be kept, and to be open to Inspection.

LXI. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Assignment or Annuity may transfer his Right and Interest therein to any other Person by a Deed in Writing duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in the Schedule (C.) to this Act annexed, or to the like Effect.

Assignment of Mortgages and Annuities.

LXII. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Clerk to the Commissioners, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage or Assignment or Annuity, and for such Entry the Clerk may demand a Sum not exceeding Five Shillings; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Assignment or Annuity in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Assignment or Annuity so transferred, or any Money thereby secured.

A Register of Transfers to be made.

LXIII. And be it enacted, That, unless otherwise provided by any Mortgage or Assignment, the Interest of the Money borrowed upon every such Mortgage or Assignment shall be paid half-yearly to the several Parties entitled thereto.

Interest on Mortgages to be paid half-yearly.

LXIV. And be it enacted, That if the Commissioners can at any Time borrow or take up any Sums of Money for any of the Purposes of this Act at a lower Rate of Interest than any Securities given by them,

Power to take up Money at a less Rate of Interest.

them, and which shall then be in force, shall bear, then from Time to Time it shall be lawful for them to borrow such Sums of Money as they shall think proper at such lower Rate as aforesaid in order to pay off and discharge the Securities bearing such higher Rate of Interest, and to charge the Rates and Assessments or other Funds or Property payable under this Act, or any Part thereof, with Payment of such Sum and such lower Rate of Interest, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed on Mortgage.

Mode of
paying off
Mortgages.

LXV. And in order that no undue Preference may be given in paying off any such Mortgages or Assignments, be it enacted, That when and as often as the Commissioners shall, under the Provisions of this Act, be enabled and think it expedient to pay off One or more out of the Number of such Mortgages upon which the same Rate of Interest shall be payable, or a Part of the Money secured on any such Mortgage, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in similar Form and put into a Box; and the Clerk to the Commissioners shall, in the Presence of Five or more of the Commissioners, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn, or the Part of the Money due thereon so proposed to be paid off, shall accordingly be paid off by the Commissioners; and after every such Ballot the Commissioners shall cause a Notice, signed by their Clerk, to be given to the Person entitled to the Money to be paid off pursuant to such Ballot; and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid, on Demand, pursuant to such Notice; but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless be payable on Demand.

Application
of Monies to
be borrowed.

LXVI. And be it enacted, That all the Money which shall be raised on the Credit of the Rates hereby authorized to be levied shall be applied, in the first place, in paying the Expences of obtaining and passing this Act, or incident thereto, and afterwards in making such permanent Improvements within the Limits of this Act as are hereby authorized, and as the Commissioners shall direct to be made.

Commission-
ers may make
Bye Laws.

LXVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to make such Bye Laws for regulating the carrying on of their Business and the Business of their Committees, and for the Government of the Officers, Servants, or other Persons in their Employ, as they shall think fit, and to repeal or alter any such Bye Laws as they shall think fit, so as no such Bye Law be contrary to the Laws of *England* or to the Provisions of this Act, and so as the same be reduced into Writing, and signed by Five or more of the Commissioners.

LXVIII. And

LXVIII. And be it enacted, That it shall be lawful for the Commissioners by such Bye Laws to impose such reasonable Forfeitures and Fines upon their Officers and Servants, or other Persons in their Employ, offending against the same, as they shall think fit, not exceeding Five Pounds for each Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the Whole or a Part only of such Penalty to be paid.

Fines for
Breach of
such Bye
Laws.

LXIX. And be it enacted, That any Summons, Notice, or Writ, or other Proceeding, at Law or in Equity, requiring to be served upon the Commissioners, may lawfully be served by delivering the same personally to the Clerk of the Commissioners, or to some Inmate at his usual Place of Abode, or by leaving the same at the Office of the Commissioners, or in case there be no Clerk, or his Place of Abode shall be unknown, then by delivering the same to any One Commissioner, or to some Inmate of the Place of Abode of any such Commissioner.

Service of
Notice on
Commis-
sioners.

LXX. And be it enacted, That every Summons, Demand, or Notice, or other such Document under this Act, may be in Writing or Print, or partly in Writing or Print; and if the same require Authentication by the Commissioners, the Signature thereof by One Commissioner or by the Clerk of the Commissioners shall be a sufficient Authentication.

Authentica-
tion of No-
tices.

LXXI. And be it enacted, That in all legal Proceedings under this Act it shall be lawful for any Five or more of the Commissioners, by Order of the Commissioners, to grant general or other Releases for the Purpose of qualifying any Person in the Service of the Commissioners to give Evidence as a Witness; and every such Release or Discharge shall be under the Hands and Seals of the Parties giving the same.

Releases to
Witnesses.

LXXII. And with respect to Actions brought in respect of any Proceeding under the Provisions of this Act, be it enacted, That if before an Action be brought any Party having committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, make sufficient Tender of Satisfaction, the Plaintiff shall not recover in any Action brought on account of such Irregularity, Trespass, or other wrongful Proceeding; and if no such Tender shall have been made it shall be lawful for the Party offending, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Tender of
Amends.

LXXIII. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Commissioners to agree with the Owners of any Lands in the Township of *Blackburn* which may be required for any of the Purposes of this Act for the absolute Purchase, for a Consideration in Money, of any such Lands or such

Power to
purchase
Lands.

[*Local.*]

27 L

Parts

Parts thereof as they shall think proper, and of all subsisting Leases therein, and of all Rent-charges, Annuities, Mortgages, or Incumbrances affecting any such Lands, and all Rights to which such Lands may be subject, and all other Estates or Interests in such Lands, of what Kind soever.

Parties under Disability enabled to sell and convey.

LXXIV. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any such Estate or Interest therein as aforesaid, to sell and dispose and convey or release the same to the Commissioners, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found, and as to such Husbands on behalf of their Wives, and as to such Married Women as if they were Sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability; and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Parties under Disability to exercise other Powers.

LXXV. And be it enacted, That the Power to release Lands from any Rent, Payment, Charge, or Incumbrance, and to agree for the Apportionment of any such Rent, Charge, or Incumbrance, shall extend to and may lawfully be exercised by every Party herein-before enabled to sell and dispose of or convey and release Lands to the Commissioners.

Consideration to be a gross Sum.

LXXVI. And be it enacted, That the Consideration to be paid for the Purchase of any such Lands, or for any Damage done thereto, shall be in a gross Sum.

Acceptance of Compensation for Price of or Damage to Lands.

LXXVII. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept, Satisfaction for the Value of such Lands or any Interest therein to which such Party shall be entitled; and in addition to Compensation for the Value of such Lands or of the Interest therein to be so conveyed, such Parties shall be entitled to and may in

like Manner accept Compensation for any Damage by them sustained by reason of the severing or dividing of such Lands or otherwise.

LXXVIII. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, and the Compensation Money to be paid for any permanent Damage or Injury to any such Lands, be it enacted, That such Consideration Money or Compensation shall not be less than shall be determined by the Valuation of Two able practical Surveyors, One of whom shall be nominated by the Commissioners, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation then by such Third Surveyor as any Two Justices shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

LXXIX. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid shall be made to Two or more of the Commissioners as Trustees for the Commissioners, and may be according to the Form in the Schedule (D.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual to vest the Lands thereby conveyed in such Trustees for the Purposes of this Act, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and to destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised in such Conveyances as shall have been purchased or compensated for by the Consideration therein mentioned; but although Terms of Years be thereby merged they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Commissioners to attend the Reversion and Inheritance.

Form of Conveyance.

LXXX. And for the Purpose of providing for the Deposit and Application of the Purchase Money or Compensation to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Lands or any Interest therein which any Corporation, Tenant for Life, or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability shall be entitled to, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, 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 *Blackburn* Improvement Commissioners, pursuant to the Method prescribed by an Act of the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies*

Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in the Bank of England.

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 pursuant to the General Orders of the said Court; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or

In the Purchase of other Lands to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in respect of which such Money shall have been paid stood settled; or

If such Monies shall be paid in respect of any Buildings taken under the Authority of this Act, in replacing such Buildings or substituting others in their Stead in such Manner as the Court of Exchequer shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

Order for
Application.

LXXXI. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Exchequer made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold or converted into Money for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

Sums exceed-
ing 20*l.* but
not amount-
ing to 200*l.*
to be depo-
sited or in-
vested in
Trustees.

LXXXII. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Commissioners
approve

approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Hands of any Five of the Commissioners; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

LXXXIII. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiocy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Sums not exceeding 20*l.* to be paid to Parties.

LXXXIV. Provided always, and be it enacted, That where any such Purchase Money or Compensation so paid into the Court of Exchequer shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Exchequer, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Court of Exchequer may direct Investment of Money in respect of Leases for Lives, &c.

LXXXV. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents of such Lands at the Time of such Lands being purchased shall be deemed to have been lawfully entitled to such Lands until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in possession, and all Parties claiming under them or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Party in possession deemed to be the Owner.

LXXXVI. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Exchequer may in all such Cases order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Commissioners; (that is to say,) the Costs of the Purchase or of the taking or using of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and

Costs in Cases of Money deposited.

of the Reinvestment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands; and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Limits of the Act.

LXXXVII. And be it enacted, That this Act shall be put in force for the Improvement of the Town and Township of *Blackburn*, and lighting and cleansing the same, and enlarging the Market Places, making new Market Places, and erecting Market Houses, and regulating the Police therein, and for the other Purposes herein mentioned, within the following Limits; (that is to say,) within the Boundary of the Township of *Blackburn*.

Streets, &c. vested in the Commissioners.

LXXXVIII. And be it enacted, That the Management of all the present and future Streets within the Limits of this Act, being public Highways, is hereby vested in the Commissioners; and the Pavement and other Materials of such Streets, and all Lamps, Lamp Irons, Lamp Posts, Cesspools, Grates, Drains, Sewers, Tunnels, Gutters, Erections, or Buildings, Materials, Implements, and other Things, provided by the Commissioners for the Purposes of this Act, and also the Dust, Ashes, and Filth to be collected from the said Streets, shall be the Property of and are hereby vested in the Commissioners; and the Commissioners shall have full Power to sell and dispose of, for the Purposes of this Act, any of the said Articles and Things as they shall think proper.

Streets may be declared Highways.

LXXXIX. And be it enacted, That if any Street already made or hereafter to be made, not being a public Highway, shall at any Time hereafter be paved or put into good Order, together with the Footways therein, to the Satisfaction of the Commissioners, then, on the Application of the Owner or Owners of the Soil of such Street, or of the greater Part in Value of such Owners, it shall be lawful for the Commissioners, by Writing under their Hands, to declare the same to be a public Highway, and after such Declaration the same shall be a public Highway, and shall be for ever repaired by the Commissioners.

Width of Streets to be made Highways.

XC. Provided always, and be it enacted, That the Commissioners shall not be empowered to make such Declaration of or concerning any Street which hath been laid out since the passing of the said recited Act, and which is not now actually begun or contracted to be built upon, unless such Street, if a principal Street, shall be Twelve Yards wide at the least, and unless such Street, if a back Street, shall be Eight Yards wide at the least, or of or concerning any Street hereafter to be laid out, unless the principal Streets shall be Twelve Yards wide at the least, and the back Streets Nine Yards wide at the least.

XCI. Pro-

XCI. Provided always, and be it enacted, That no Person, being the Owner or Occupier of any Land or Building within or adjoining to any Street to be made a Highway as aforesaid, or within Fifty Yards of the same, or being entitled unto any Chief Rent or other Rent issuing out of any such Land or Building, shall be entitled to vote as a Commissioner, touching the declaring of any such Street to be a Highway, or touching the paving or repairing of the same or any Part thereof.

Persons interested not to vote as Commissioners respecting such Highways.

XCII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets within the Limits of this Act or any Part thereof to be repaired, formed, and paved, and the Ground or Soil to be raised, lowered, and altered, in such Manner and with such Materials as they shall think proper.

Commissioners to cause Streets to be paved, &c.

XCIII. And be it enacted, That in case the Commissioners shall deem it requisite that any Street, being only partly made, or having Houses erected on one Side only, shall be repaired, formed, and paved, and shall give Notice thereof to the Owners of the Soil of such Street, or the Owners or Occupiers of the Houses there, then such Owners or Occupiers shall repair, form, and pave the same according to such Notice, each Owner or Occupier repairing, forming, and paving to the Extent of his Premises adjoining such Street.

Commissioners may require unfinished Streets to be paved or repaired.

XCIV. And be it enacted, That if any Person shall take up or make any Alteration in the Pavement or Carriageway or Footway in any Street within the Limits of this Act, without the Consent in Writing of the Commissioners, except when it may be necessary for repairing any Vault or Drain under such Street, or other such Purpose, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds; and in case the Person so taking up or altering such Pavement or Carriageway or Footway shall not, within Ten Days after Notice in Writing by the Surveyor to the Commissioners, cause the same to be reinstated as nearly as may be, the Commissioners shall cause the same to be done, and the Charges thereof shall be paid by the Person who shall have taken up or altered such Pavement or Carriageway or Footway.

Penalty on Persons altering Pavements without Consent.

XCV. And be it enacted, That the Commissioners shall cause all Footways now or hereafter to be made within the Limits of this Act to be paved, flagged, pitched, repaired, raised, lowered, relaid, or altered, and may make all such Footways within the Limits of this Act as they think proper.

Commissioners to cause Footways to be paved, &c.

XCVI. And be it enacted, That the Charges and Expences attending or in any Manner relating to the first, but not to any subsequent paving, flagging, pitching, repairing, raising, lowering, relaying, or altering of such Footways as, at the Time of passing this Act, shall be within the Limits of the Town of *Blackburn* (that is to say, such Part of the Township as at the Time of passing of this Act is rated under the Powers of the former Act,) shall

Expence of first paving within the Town to be reimbursed by the Owners or Occupiers of adjoining Property.

shall be paid and reimbursed to the Commissioners by the Owners or Occupiers of the Houses, Buildings, and Land opposite to or adjoining such Footways, each such Owner or Occupier paying a just Share and Proportion of such Charges and Expences, according to the Length and Width of such Footways opposite to or adjoining his House, Building, and Land, and such Share shall be ascertained by the Surveyor of the Commissioners; and the Commissioners shall have it in their Option or Discretion, in any Case where any such Reimbursement shall be chargeable, to charge the same either upon the Owner or the Occupier of any House, Building, and Land by the Side of or adjoining to which such Footways shall lie or be situate, as the Commissioners shall think proper.

Owner or Occupier to pave Footways of new Streets.

XCVII. And be it enacted, That the Owner or Occupier of any House or Building abutting upon any Street to be hereafter made within the Limits of this Act shall pave or form, with Stones or such Materials as the Commissioners shall prescribe, upon the Sides of such Street, for the whole Length of such House or Building, and the Premises occupied therewith, a Causeway or Footway for the Use of Foot Passengers to the Depth of Four Feet where the Street shall not exceed the Width of Nine Yards, of Six Feet where the Street shall exceed Nine Yards and shall not exceed the Width of Twelve Yards, and of Seven Feet where the Street shall exceed the Width of Twelve Yards.

Width computed clear of Projections.

XCVIII. And be it enacted, That with respect to the making of any such Footways of such Depths as aforesaid, the Computation of the Width of the Street shall be a clear Space exclusive of all Areas or Cellar Holes, Steps, Windows, and other Projections.

Gratings and Openings in Footways how to be made.

XCIX. And be it enacted, That the Cover or Grating of all Openings in the Footways of any of the said Streets for the Purpose of conveying Coals or other Things into any Vault or Cellar, or for admitting Light into any Room, Chamber, or Cellar, shall be made, at the Expence of the Person requiring the same, of Iron or such other Materials, and of such Dimensions, and in such Manner and Form, as the Commissioners shall direct and approve, and shall be maintained by the Person occupying the same in such State as the Commissioners shall order and direct.

If Work improperly done, Commissioners may order the same to be altered.

C. And be it enacted, That if the paving or making of any Street, Causeway, or Footway, or other Work, which under the Powers or Provisions of this Act the Commissioners shall have ordered or directed to be made or done by any Owner, Occupier, or Person, shall appear to the Commissioners to have been improperly or insufficiently done, or to be defective, it shall be lawful for the Commissioners to order and require the Owner, Occupier, or Person liable to pave or make the same to alter and complete the same in such Manner as the Commissioners shall think proper.

Commissioners may pave Footways.

CI. And be it enacted, That it shall be lawful for the Commissioners to flag, pave, or make with such Materials as they shall think

fit any Causeways or Footways for the Use of Foot Passengers in or on the Sides of or for crossing any Street within the Limits of this Act.

CII. And be it enacted, That all Causeways or Footways within the Limits of this Act, whether made by the Commissioners or otherwise, which the Commissioners shall deem necessary to be kept up, may be kept in repair by the Commissioners, and all Foot-crossings shall be kept in repair by the Commissioners.

Footways to be kept in Repair by the Commissioners.

CIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to place such Fences and Posts on the Side of any Footways or Carriageways within the Limits of this Act as may protect such Footways from any Carriage or Animals going on the same, and also to place any Posts in any Carriageways so as to make the Crossings thereof less dangerous for Foot Passengers, and also from Time to Time to repair any such Fences or Posts, or to remove the same or any other Obstructions to any Carriageway or Footway within the Limits of this Act, as they shall think fit.

Commissioners may place Fences to Footways.

CIV. And be it enacted, That it shall be lawful for the Commissioners, or any Surveyor or any Person to be employed by them under an Order for that Purpose, to search for, dig, and carry away any Stones, Gravel, or other Materials fit for paving and covering the Pavements, and pitching or repairing any Streets within the Limits of this Act, or for any Purposes of this Act, in and from any Waste or Common Land within the Limits of this Act, or within any adjoining Township, without paying for the same, they the Commissioners or other Persons filling up or levelling the Pits; and also to search for, dig, and carry away any such Materials in and from the Lands of any Person where the same may be had and found within the Limits of this Act, or any adjoining Township, such Lands not being a Yard, Garden, Orchard, Park, Wood, Coppice, Nursery, or inclosed Ground planted with any Avenue of Trees for Ornament, they the Commissioners or other Persons filling up the Pits and levelling the Grounds from which such Materials shall be taken, and paying the respective Owners and Occupiers of such Lands reasonable Compensation for such Materials, and for any Damage done in getting such Materials, and carrying the same over any inclosed Lands.

Power to take Materials for paving from Waste Lands without Payment, or from private Lands, making Compensation.

CV. Provided always, and be it enacted, That it shall not be lawful for the Commissioners, or any Person acting under their Authority, to search for, dig, or carry away any Materials for the Purposes aforesaid out of or from any inclosed Lands, until Ten clear Days Notice in Writing shall have been given to the Owner and Occupier thereof to appear before a Justice to show Cause why such Materials shall not be taken from such Lands; and in case such Owner or Occupier shall not attend pursuant to such Notice, or shall not show sufficient Cause why such Materials should not be taken from such Lands, it shall be lawful for such Justice to authorize such Person as the Commissioners shall appoint to dig and carry away such Materials at such Times as to such Justice shall seem fit.

Materials not to be taken from private Lands but by Order of a Justice on Ten Days Notice.

[*Local.*]

27 N.

CVI. And

Power to purchase or hire Land for depositing Materials.

CVI. And be it enacted, That it shall be lawful for the Commissioners to purchase or rent any Land, Building, or Premises for procuring or depositing Stone, Gravel, or other Materials for the several Purposes of this Act from any Person willing to sell or let the same.

Road Trustees not to collect Toll within the Limits of the Act.

CVII. And be it enacted, That it shall not be lawful for the Trustees of any Turnpike Road to collect any Toll, or repair or expend any Money on any Road within the Limits of this Act after the Thirty-first Day of *December* One thousand eight hundred and forty-two, when the existing Leases of the Turnpike Tolls now collected therein will have expired.

Inhabitants still liable to Indictment for Want of Repairs.

CVIII. And be it enacted, That the Inhabitants within the Limits of this Act shall be liable to be indicted at Common Law for the Want of the sufficient Repair of any public Highway within the Limits of this Act, in the same Manner as they were before the passing of this Act; and all Monies payable on Convictions and Fines shall be paid by the Commissioners out of the Rates.

Inhabitants rated under the Act to be free from Highway Rates.

CIX. And be it enacted, That every Inhabitant who shall be assessed to the Rates made under this Act, for any Lands within the Limits of this Act, shall be released from all Rates and Assessments for the Repairs of the Highways within the said Township of *Blackburn* in respect of such Lands.

Commissioners may widen Streets, &c., and open new Streets.

CX. And in order that such Parts of the Streets as are narrow, unsafe, and incommodious may be widened and improved, and that new Streets may be opened for the Improvement of the public Thoroughfare, be it enacted, That it shall be lawful for the Commissioners to widen, raise, lower, alter, and render more convenient the narrow, uneven, and irregular Parts of the present and future Streets, as they shall think proper; and also upon any Land which the Commissioners shall purchase for the Purpose to open and make any new Streets, and to open and make Thoroughfares between the several present and future Streets, and to take down and remove Houses, Buildings, or Erections, and to throw open any Land for effecting such Improvements.

Commissioners may turn the Course of Gutters, &c.

CXI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the Course of any Gutter or Channel running in or through any Street within the Limits of this Act to be turned or altered in such Manner as they shall think proper, and to direct the Grates already placed or hereafter to be placed over any Sewer to be removed and replaced in such Manner and at such Places as they shall think proper, and to pay the Expences of such Works from Time to Time out of the Money arising by virtue of this Act.

Power to construct Common Sewers.

CXII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause such Common Sewers, Drains, Vaults, Culverts, Watercourses, Wells, and Pumps as they may think necessary

necessary to be constructed in or under any Street within the Limits of this Act; and also to cause any of the Common Sewers, Drains, Vaults, Culverts, and Watercourses, public Wells or Pumps, which now are or hereafter shall be within the same, to be altered, repaired, cleansed, and completed, as to them shall seem necessary, and to carry and continue the same into and through any Lands within the Limits of this Act.

CXIII. And be it enacted, That if any Person interested in any such Lands shall be injured by any such Sewer, Drain, Vault, Culvert, Watercourse, Well, or Pump being carried into or through his Lands, the Commissioners shall pay to such Person a reasonable Compensation for the Damage or Injury sustained by him.

Compensation to be made.

CXIV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to empower any Person to carry any private Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse already made, or which shall be made by virtue of this Act, according to such Plan as the Commissioners shall direct; but if any Person shall carry any such private Drain into any Common Sewer, Drain, Vault, Culvert, or Watercourse without the previous Consent of or in any other Manner than shall be directed by the Commissioners, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Communication of private Drains with Common Sewers.

CXV. And be it enacted, That the Occupier of any House or Land from which any private Drain now does or hereafter shall issue into any of the said public Sewers, Drains, Vaults, Culverts, or Watercourses, shall repair and cleanse such private Drain when required by and according to the Direction of the Commissioners.

Occupiers to repair private Drains.

CXVI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the Houses and Buildings in the Streets within the Limits of this Act to be numbered, and from Time to Time to renew such Numbers at the Expence of the Occupiers, and to alter the same, and to cause to be affixed or painted in a conspicuous Part of some House, Building, or Place at or near each End, Corner, or Entrance of every such Street the Name by which such Street is to be known; and if any Person shall destroy, pull down, or deface any such Number or Name, or shall put up any Number or Name different to the Number or Name put up by the Commissioners, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence.

Houses to be numbered, and Streets named.

CXVII. And be it enacted, That if the Commissioners shall consider any Porch, Shed, projecting Window, Step, Cellar, Cellar Door or Window, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection, hereafter to be placed, or which within Twenty Years next before the passing of this Act shall have been placed, against or in front of any House or Building, to be an Annoyance in consequence of the same projecting into, endangering, or rendering less commodious the Passage along any Street within the Limits of this Act, it shall be lawful

Future Projections to be removed on Notice.

lawful for them to give Notice in Writing to the Owner or Occupier of such House or Building to remove such Obstruction or Projection, or to alter the same in such Manner as the Commissioners shall think fit; and such Owner or Occupier shall within Thirty Days after the Service of such Notice upon him remove such Obstruction or Projection, or alter the same in such Manner as shall have been directed by the Commissioners.

Existing Projections to be removed, and Compensation made.

CXVIII. And with regard to all Obstructions or Projections of a like Kind as those before mentioned, which have been erected or placed against or in front of any House in any Street or public Place for a longer Period than Twenty Years before the passing of this Act, be it enacted, That it shall be lawful for the Commissioners, if they shall consider any such Obstruction or Projection to be an Annoyance in consequence of the same projecting into, endangering, or rendering less commodious the Passage along any Street within the Limits of this Act, to cause the same to be removed or altered as they shall think fit: Provided always, that the Commissioners shall give Notice in Writing of such intended Removal or Alteration to the Owner and Occupier against or in front of whose House or Building such Obstruction or Projection shall be Twenty-one Days before such Alteration or Removal shall be commenced, and shall make reasonable Compensation to every Person who shall incur any Loss or Damage by such Removal or Alteration.

Doors in future to be made to open inwards.

CXIX. And be it enacted, That all Doors, Gates, and Bars, not being underground Doors, hereafter to be erected within the Limits of this Act, which shall lead to any House, Building, Yard, or Land, shall be constructed so as to open into or towards such House, Building, Yard, or Land; and if any such Door, Gate, or Bar shall be constructed so as to open in any other Manner, it shall be lawful for the Commissioners or their Surveyor to alter the same, and the Expences of such Alteration shall be paid to the Commissioners by the Person causing such Door, Gate, or Bar to be constructed, and such Person shall in addition be liable to a Penalty not exceeding Forty Shillings.

Doors opening outwards to be altered by Commissioners.

CXX. And be it enacted, That if any such Door, Gate, or Bar already erected shall have been so constructed as to open outwards towards or upon any public Street it shall be lawful for the Commissioners to alter the same, so that no Part thereof opening or when open shall project over any public Way.

Ruinous or dangerous Houses to be taken down or secured.

CXXI. And whereas it hath happened and may happen that some of the Houses or Buildings within the Limits of this Act are sometimes in so ruinous a Condition that Passengers passing by are in Danger of their Lives or some Bodily Harm from the falling thereof, or of Bricks, Stones, or Timber therefrom; be it therefore enacted, That on any Information signed by Four or more Householdiers living within the Limits of this Act that any such House or Building is in a ruinous or dangerous Condition, it shall be lawful for any Two Justices to cause the same to be surveyed by Two Surveyors; and if such Surveyors shall present that such House or Building is in a ruinous

ruinous or dangerous Condition, the Commissioners shall, on Notice of any such Presentment being given, and on a Copy thereof being laid before them, cause with all convenient Speed a sufficient Fence to be put up to guard such House or Building from the Street, and shall also cause Notice in Writing to be given to the Owner thereof, if he can be found within the said Limits, and if not shall cause such Notice in Writing to be left at or fixed upon the said Premises, to repair or take down such House or Building, as the Case shall require, within the Space of Twenty Days then next ensuing; and if such Owner shall not repair or take down the same within the Time so limited, the Commissioners shall with all convenient Speed cause all or so much of such House or Building as shall be in a ruinous Condition or dangerous to Passengers to be taken down and secured in such Manner as shall from Time to Time be thought requisite; and all the Charges of putting up every such Fence, and of taking down or securing such ruinous House or Building, shall from Time to Time be paid by the Owner of such House or Building.

CXXII. And be it enacted, That if such Owner can be found within the Limits of this Act, and he shall, on Demand of the Charges aforesaid, neglect or refuse to pay the same, then such Charges may be levied by Distress, and any Justice may issue his Warrant accordingly.

TheExpences may be levied by Distress on the Owner.

CXXIII. And be it enacted, That if such Owner cannot be found within the Limits of this Act, or sufficient Distress of his Goods and Chattels cannot be met with wherefrom such Charges may be levied, then the Person who shall at any Time thereafter occupy any such House or Building, or the Ground whereon the same stood, as Tenant to such Owner, is hereby required to pay the same; and in default of Payment, on Demand by the Commissioners, the same may be levied by Distress, and any Justice may issue his Warrant accordingly; and the Owner shall allow every such Occupier all Charges which he shall so pay, or which shall be levied by Distress from him, out of the Rent from Time to Time becoming due to him, as if the same had been actually paid to him as Part of such Rent: Provided always, that no Occupier shall be liable to pay more Money in respect of such Charges as aforesaid than what he could lawfully deduct from the Rent due to such Owner at the Time of Demand made upon him for such Charges, in case he shall pay the same, or any Part thereof, on Demand, or at the Time of the issuing the Warrant of Distress, in case such Charges, or any Part thereof, shall be levied by Distress.

In default of the Owner any subsequent Occupier to be liable.

Occupier not to pay more than he can deduct from his Rent.

CXXIV. And be it enacted, That in case any such House or Building as aforesaid, or any Part of the same, shall be pulled down by virtue of the Powers aforesaid, it shall be lawful for the Commissioners to sell the Materials thereof, or so much of the same as shall be pulled down, and to apply the Proceeds of such Sale in Payment of the Charges incurred in respect of such House or Building, and the Commissioners shall restore any Overplus arising from such Sale to the Owner of such House or Building, on Demand; nevertheless the Commissioners, although they shall sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment

Commissioners may sell the Materials.

ment of so much of the said Charges as may remain due after the Application of the Proceeds of such Sale as are herein-before given to them for compelling the Payment of the whole of the said Charges.

As to Build-
ings in new
Streets.

CXXV. And be it enacted, That no House or Building to be erected in any new Street to be hereafter laid out within the Limits of this Act shall be erected nearer to the Centre of such Street than Four Yards and a Half without the Consent of the Commissioners.

No Building
to be rebuilt
beyond old
Foundation.

CXXVI. And be it enacted, That no House or Building within the Limits of this Act which shall be new-fronted or rebuilt shall be brought forward beyond the old Foundation thereof without the Consent of the Commissioners.

New Build-
ings to rise
perpendicu-
larly.

CXXVII. And be it enacted, That all Houses and Buildings which shall be built or erected or new-fronted within the Limits of this Act shall be made to rise perpendicularly from the Foundation thereof.

Where
Houses taken
down, Com-
missioners
may purchase
the Land.

CXXVIII. And be it enacted, That where any House or Building in or near any Street within the Limits of this Act shall be burnt or pulled down, or shall be intended to be rebuilt, and the Commissioners shall be desirous of widening such Street, or of making any Alteration in the Line of the House or Building, it shall be lawful for them to purchase any Part of the Site of such House or Building, or of the Land occupied therewith, from any Persons willing to sell the same.

Projecting
Houses when
taken down
to be set
back.

CXXIX. And be it enacted, That when any House or Building, any Part of which now projects beyond the regular Line of the Street, or beyond the Front of the House or Building on either Side thereof, in any Street within the Limits of this Act, shall be taken down to be rebuilt or altered, the same shall be set back to the Line of the Street, or the Line of the adjoining House or Building, in such Manner as the Commissioners shall direct for the Improvement of such Street; and when the next House or Building shall not adjoin the House or Building to be so taken down, but shall be separated therefrom, then the same shall be set back to the Line of such Street: Provided always, that the Commissioners shall make full Compensation to any such Owner for any Loss or Damage he may sustain in consequence of his House being set back according to the Provisions herein contained.

Funnels fixed
on the Out-
side of any
House next
the Street to
be removed
at Expence
of the Oc-
cupier.

CXXX. And be it enacted, That all Pipes or Funnels made of Iron, Copper, or other Material than Brick or Stone, used for conveying Smoke, now fixed or placed against any House or Building on the Outside thereof next any Street within the Limits of this Act, or fixed or placed nearer than Five Inches to any Timber or other combustible Material inside of any Building, wheresoever situate within such Limits, shall, after Ten Days Notice given by or on behalf of the Commissioners to the Occupier, be taken down and removed, within such Period as shall be expressed in such Notice, at the Expence of such Occupier; and on Proof of such Service of such Notice, and of the Neglect of such Occupier to take down and remove such Pipe or
Funnel,

Funnel, it shall be lawful for any Two Justices of the Peace to cause such Pipe or Funnel to be taken down and removed as a common Nuisance, and to cause the reasonable Expences attending the same to be levied on the Goods and Chattels of such Occupier in case of Nonpayment thereof by him on Demand.

CXXXI. And be it enacted, That in all Cases where any such Pipe or Funnel so taken down and removed shall have been fixed or put up previous to the Commencement of the Tenancy of such Occupier, the Expences of such taking down and Removal shall be reimbursed to the Occupier by the Owner; and it shall be lawful for such Occupier to deduct the Sums paid by or levied on his Goods in respect thereof, together with the Costs of Distress paid by him, from the Rent due or to become due from him to such Owner.

Owners to reimburse in certain Cases.

CXXXII. And be it enacted That it shall not be lawful for any Person to erect or place any Pipe or Funnel made of Brick or Stone or any other Material for the Conveyance of Smoke on the Outside of any Building next to any Street within the Limits of this Act, nor to erect or place any such Pipe or Funnel nearer than Five Inches to any Timber or other combustible Material inside of any Building, wheresoever situate within such Limits; and in case any such Pipe or Funnel shall be erected or placed contrary to the Provisions of this Act it shall be lawful for any Two Justices of the Peace, on Proof thereof, forthwith to cause the same to be taken down and removed as a common Nuisance, at the Expence of the Owner or Person erecting the same, and to cause such Expences to be levied on the Goods and Chattels of such Owner or Person in case of Nonpayment thereof by him on Demand.

For preventing Erection of Funnels for Smoke outside of Houses, &c. next the Streets.

CXXXIII. And be it enacted, That all Chimnies erected or to be erected within the Limits of this Act for conveying Smoke from the Furnace of any Mill, Factory, Brewery, Sizing House, Gasometer, Gas Works, or Building used for manufacturing Purposes shall be raised to the Height of Ninety Feet at least from the Surface of the Ground; and in all such Cases where a Steam Engine shall be employed the Chimney shall be raised an additional Height, adapted to the Power of such Engine, according to the following Scale; (that is to say,) if such Steam Engine shall be of more than Thirty Horse Power and shall not exceed Forty Horse Power the Height of such Chimney shall not be less than One hundred Feet, and if such Steam Engine shall be of more than Forty Horse Power the Height of such Chimney shall not be less than One hundred and twenty Feet: Provided always, that no Person shall be compelled to raise the Height of any Chimney, under any Circumstances, higher than One hundred and twenty Feet.

Regulating Height of Furnace Chimneys.

CXXXIV. And be it enacted, That if any Chimney for conveying Smoke from any such Furnace as aforesaid shall be continued or erected of a less Height than Ninety Feet, or, in case where Steam Engines be employed, of a less Height than in accordance with the Scale herein-before specified, and the Occupier thereof shall neglect to raise the same to such Height as is by this Act required within Six Months

Penalty for Neglect of Regulations as to Furnace Chimneys.

Months from the Day of the Service of Notice in Writing from the Commissioners requiring him so to raise the same, every Person so offending shall forfeit the Sum of Twenty Shillings *per* Day for every Day following the Expiration of such Six Months, so long as such Neglect shall continue.

Power to enter Buildings to measure Height of Chimneys, &c.

CXXXV. And be it enacted, That it shall be lawful for the Commissioners, or any Person by their Order, to enter in the Day-time into any such Mill, Factory, Brewery, Sizing House, Gasometer, Gas Works, or Building used for manufacturing Purposes, within the Limits of this Act, or any Part thereof, for the Purpose of measuring and ascertaining by all necessary Means the Height of any such Chimney, and the Power of any such Steam Engine.

Penalty on Persons hindering Measurement.

CXXXVI. And be it enacted, That if any Person shall hinder or aid in hindering any Commissioner or Person as aforesaid from entering into any such Building, or measuring and ascertaining the Height of such Chimney, or the Power of such Steam Engine, every Person so offending shall for every Offence forfeit any Sum not exceeding Five Pounds, together with the Costs of Conviction.

Commissioners may order Prosecutions for public Nuisances, &c.

CXXXVII. And be it enacted, That it shall be lawful for the Commissioners to direct any Prosecution at the Assizes or Quarter Sessions of the Peace for the said County for any Nuisance or Offence, whether public or contrary to any of the Provisions of this Act, committed or suffered within the Limits of this Act, and to direct and order the Expences of such Prosecution to be paid out of the Monies to be raised by virtue of this Act.

Houses, &c. built contrary to the Act to be taken down.

CXXXVIII. And be it enacted, That it shall be lawful for the Commissioners to cause any House or Building, Chimney or Furnace, which shall be rebuilt or erected or continued contrary to the Provisions of this Act, to be taken down or altered according to the Provisions of this Act; and the Expences of such Alteration shall be repaid to the Commissioners by the Owner of the House or Building, Chimney or Furnace, so altered or rebuilt or continued.

Houses may be set forward.

CXXXIX. And be it enacted, That it shall be lawful for the Commissioners to allow any Building to be advanced for the Purpose of improving the Line of the Street or Place in which such Building may be situate, or any Building adjacent thereto.

Water-spouts to be affixed to Houses.

CXL. And be it enacted, That the Owner or Occupier of every House or Building in or adjoining any Street within the Limits of this Act shall, within Fourteen Days next after Service of any Order of the Commissioners for that Purpose, put up, and for ever afterwards keep in good Condition, a Shute 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 Building from the Roof to the Ground, to carry off the Water from the Roof thereof in such Manner that the Water from such House shall not fall upon the Persons passing near the same.

CXLI. And

CXLI. And be it enacted, That the Owner or Occupier of any House or Building in any Street within the Limits of this Act shall cause the Water to be conveyed from such House or Building, either by Drains or Tunnels below the Surface of the Pavement or Flagging of the Footpath, or by means of Iron Drain Gutters to be fixed in the Flagging or Pavement; and for that Purpose it shall be lawful for any such Owner or Occupier to take up so much of the Pavement or Flagging of any Street as may be requisite, and to lay down the said Drains or Tunnels, or fix the said Iron Drain Gutters, under the Direction of the Commissioners or their Surveyor; and all Damage which may thereby be occasioned to the Pavement or Flagging of the Footpath or Carriageway shall be made good at the Expence of such Owner or Occupier.

Drains to be formed for conveying the Water from Houses.

CXLII. And be it enacted, That all Vaults and Drains hereafter to be made under any Street within the Limits of this Act shall be substantially made, and so as not to interfere with any Drains or Sewers under the Control of the Commissioners without their Consent; and if any Arch, Vault, or Drain shall be made contrary to the Provisions of this Act it shall be lawful for the Commissioners to fill up the same, and to recover the Expences incurred thereby from the Person making such Vault or Drain.

Vaults and Drains to be substantially made.

CXLIII. And be it enacted, That all Vaults or Drains under any Street within the Limits of this Act shall be kept in substantial Repair to the Satisfaction of the Commissioners; and in case any such Vault or Drain shall at any Time not be in such substantial Repair it shall be lawful for the Commissioners to put the same into substantial Repair, and to recover the Expences incurred thereby from the Occupier thereof; and such Occupier shall forfeit a Sum not exceeding Twenty Shillings for every Day such Vault or Drain shall continue out of substantial Repair after Notice shall have been given him by the Commissioners to repair the same, and a reasonable Time for completing such Repair shall have elapsed since the Service of such Notice.

Vaults and Drains to be kept in repair.

CXLIV. And be it enacted, That when any Opening is now or shall hereafter be made in the Paving or Soil of any Pavement or Footpath within the Limits of this Act as an Entrance into any Vault or Cellar, a Door or Covering or Grating shall be made, by the Occupier of such Vault or Cellar, of Iron, or such other Material and in such Manner as the Commissioners shall direct, and such Door or Covering or Grating shall from Time to Time be kept in good Repair by the Occupier of such Vault; and if the Occupier of any such Vault or Cellar shall not within a reasonable Time make such Door or Covering or Grating, or shall make any such Door or Covering or Grating contrary to the Directions of the Commissioners, or shall not keep the same when made in good Repair, he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Coverings for Cellar Doors to be made.

CXLV. And be it enacted, That no House or Building hereafter to be built in or near any Street within the Limits of this Act shall be thatched wholly or in part; and in case any such House or Build-

Houses not to be thatched.

ing shall be so thatched the Owner thereof shall forfeit the Sum of Forty Shillings for every Month during which the same, or any Part thereof, shall continue to be thatched.

Hoads to be
set up during
Repairs.

CXLVI. And be it enacted, That every Person who shall build or take down any House or other Building whatever within the Limits of this Act, or cause the same to be so done, or who shall alter or repair the outward or external Part of any House or other such Building, or cause the same to be so done, shall, where any Street or Footway shall be obstructed or rendered inconvenient by means of such Work, cause to be erected, before commencing the same, sufficient Hoards or Fences in order to guard every such House or Building from the Street in which the same may be situate, together with a convenient Platform and Handrail, if there shall be sufficient Space for the same, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence, with such Platform and Handrail as aforesaid, standing and in good Condition during such Time as may be necessary for the Public Safety or Convenience, and shall, in all Cases in which the same shall be necessary to prevent Accidents, light or cause the same to be sufficiently lighted during the Night; and if any such Person shall refuse or neglect to erect any such Fence or Hoard or Platform, with such Handrail as aforesaid, or to continue the same respectively standing and in good Condition during the Time aforesaid, or shall not whilst the said Hoard or Fence is standing keep the same sufficiently lighted in the Night, or shall not remove the same when directed by the Commissioners within a reasonable Time afterwards, then every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

Penalty for
not lighting
Depôts of
Building Ma-
terials or Ex-
cavations.

CXLVII. And be it enacted, That when any Building Materials, Rubbish, or other Things shall be laid, or any Hole or Excavation shall be made, in any of the Streets within the Limits of this Act, the Person causing such Materials or other Things to be so laid, or the said Hole or Excavation to be made, shall at his own Expence cause a sufficient Light to be fixed in a proper Place upon or near the same, and continue such Light every Night from Sunsetting to Sunrising during the Time such Materials, Hole, or Excavation shall remain; and such Person shall at his own Expence cause such Materials or other Things, and such Hole or Excavation, to be sufficiently fenced and inclosed until such Materials or other Things shall be removed, or the Hole or Excavation filled up or otherwise made secure; and in case such Person shall refuse or neglect so to light, fence, or inclose such Materials or other Things, or such Hole or Excavation, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

Penalty for
continuing
Depôts of
Building Ma-
terials, &c.
an unneces-
sary Time.

CXLVIII. Provided always, and be it enacted, That in no Case shall any such Building Materials or other Things, or such Hole or Excavation, be permitted to remain for an unnecessary Time, under a Penalty not exceeding Five Pounds to be paid for every such Offence by the Person causing such Materials or other Things to be laid, or such Hole or Excavation to be made; and in any such Case Proof of

the Necessity of a Continuance thereof respectively shall be upon the Person so causing such Materials or other Things to be laid, or causing such Hole or Excavation to be made.

CXLIX. And be it enacted, That if any Building or Excavation or any Land or Place contiguous to any Street within the Limits of this Act shall, for Want of sufficient Repair, Protection, or Inclosure, be dangerous to the Passengers along such Street, it shall be lawful for the Commissioners to cause the same to be repaired, protected, or inclosed, so as to prevent any Danger therefrom; and the Charges of such Repair, Protection, or Inclosure shall be repaid to the Commissioners by the Owner of the Premises so repaired, protected, or inclosed.

Dangerous Places to be repaired or inclosed.

CL. And be it enacted, That it shall be lawful for the Commissioners, during such Time as any Street within the Limits of this Act is making or repairing, or during the making of any Sewer or Drain by the Commissioners or under their Authority, to close such Street, or any Part of the same, by such Ways or Means as they shall think fit.

Commissioners may close Streets during Repairs.

CLI. And whereas many Works, Acts, and Things are required by this Act to be done by the Owners and Occupiers of Houses, Buildings, or Land, and other Persons, for the Improvement of the Streets, Sewers, and Drains, and the making and repairing of Footways, within the Limits of this Act, and for other Purposes herein-before mentioned, and it is necessary to provide for the Execution of all such Works, Acts, or Things in case the same shall not be done by the Persons required to do the same; be it enacted, That wherever any such Work, Act, or Thing shall not be done by the Owner or Occupier, or other Person required to do the same by the Provisions of this Act, in the Manner or at the Time prescribed by this Act, or by any Notice given by the Commissioners for that Purpose in pursuance of this Act, or if no Time shall be prescribed within a reasonable Time, it shall be lawful for the Commissioners to cause such Work, Act, or Thing to be done; and the Expences which shall be incurred by the Commissioners in respect of such Work, Act, or Thing shall be repaid to them by the Owner, Occupier, or other Person by whom the same ought to have been done.

In default of the Party liable, the Commissioners to execute Works and recover the Expences.

CLII. And be it enacted, That in all Cases where any such Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building, or Land, (without designating by which of the said Parties the same ought to be done,) and the Occupier of such House, Building, or Land shall be the Tenant of the same at a Rent amounting to or exceeding Three Fourths of the net annual Value thereof, the Expences which shall be incurred by or recovered from the Occupier in respect of such Work, Act, or Thing shall be repaid to such Occupier by the Owner of the House, Building, or Land, and the Owner shall allow such Occupier the Amount of all such Expences out of the Rent from Time to Time becoming

Occupiers to recover against Owners in certain Cases.

becoming due to him, as if the same had been actually paid to him as Part of such Rent.

Adjustment
between
Owners and
Occupiers.

CLIII. And be it enacted, That in all Cases, except as hereinbefore mentioned, where any Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any House, Building or Land, (without designating as aforesaid,) the Expences which shall be incurred by or be recovered from any such Owner or Occupier in respect of such Work, Act, or Thing, shall be divided between the Owner and Occupier in the Proportion of the Value of their respective Interests in such House, Building, or Land; and in estimating the Value of such Interests the Owner shall be deemed to be entitled to such House, Building, or Land, in Fee Simple, subject only to the Term or Interest of the Occupier therein; and if any such Owner or Occupier shall voluntarily or by Compulsion pay more than his Share of the Expences, estimated as aforesaid, of any such Work, Act, or Thing, the Excess shall be repaid to him by the Occupier or Owner, as the Case may be; and if the same be not so paid on Demand, or if the Amount of the same shall be disputed, such Excess shall be ascertained and recovered in the same Manner as any Damages, for the ascertaining and Recovery of which no special Provision is contained in this Act, are directed to be ascertained and recovered; and if such Excess shall be payable by the Owner he shall allow the same, or so much thereof as shall not be repaid by him to the Occupier, out of the Rent from Time to Time due or becoming due to him, as if the same had been actually paid to him as Part of such Rent.

Streets to be
cleansed and
watered.

CLIV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause all or any of the Streets, including such as are or shall be only partly made, or where Houses shall be erected on One Side only, within the Limits of this Act, to be cleansed and watered, and the Dirt, Ashes, and Rubbish, except any such as shall be reserved by the Occupiers for their own Use, to be removed from any House or Premises within the Limits of this Act, at such Time and in such Manner as they shall appoint.

Occupiers al-
lowed to use
their own
Ashes, &c.

CLV. Provided always, and be it enacted, That it shall be lawful for any Occupier of any House or Premises within the Limits of this Act to keep and remove any such Dirt, Ashes, or Rubbish as shall be made on his own Premises, and shall be reserved for Manure, so as the same be not a Nuisance to the Inhabitants residing near such Premises.

Duties of the
Street Sca-
vengers to be
performed
under Penal-
ties.

CLVI. And be it enacted, That the Persons employed by or contracting from Time to Time with the Commissioners for cleansing and watering the Streets within the Limits of this Act, or any of them, or for removing the Dirt, Ashes, and Rubbish from any House or Premises therein, shall be called the Scavengers; and such Scavengers or their Servants shall on such Days, and at such Hours, and in such Manner, as the Commissioners shall from Time to Time appoint, sufficiently water the said Streets, or such of them as they shall

shall respectively contract or be employed to water, and shall collect together all Dirt, Ashes, and Rubbish from all such Streets and Houses and Premises from which they shall contract or be employed to collect Dirt, Ashes, and Rubbish, within the Limits of this Act, except such Dirt, Ashes, and Rubbish as shall be kept by the Occupiers of such Houses and Premises for their own Use under the Provisions herein contained, and shall carry away the Dirt, Ashes, and Rubbish so collected to such Place as shall be appointed by the Commissioners for the depositing of the same; and if any such Scavenger fail to water any Street which he shall contract or be employed to water at the Time or in the Manner appointed by the Commissioners, or to remove any Dirt, Ashes, or Rubbish which he shall contract or be employed to remove at the Time or in the Manner prescribed by the Commissioners for that Purpose, or shall deposit any of such Dirt, Ashes, or Rubbish in any other Place than such as shall be appointed by the Commissioners for that Purpose, he shall for every such Offence forfeit a Sum not exceeding Five Pounds.

CLVII. And be it enacted, That every Occupier of a House or other Building within the Limits of this Act shall forfeit any Sum not exceeding Forty Shillings for every Time he shall prevent any Scavenger or his Servants from removing any Dirt, Ashes, or Rubbish which such Scavenger is hereby authorized to remove from his House or Premises.

Penalty on Occupiers obstructing Scavengers.

CLVIII. And be it enacted, That if any Person, other than the Scavenger for the Time being, or some Person employed by him, shall collect or carry away any Dirt, Ashes, or Filth from any Street within the Limits of this Act, or from any House or Building therein, except as aforesaid, he shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

Penalty on other Persons than Scavengers removing Dirt.

CLIX. And be it enacted, That the respective Occupiers of Buildings, Yards, and Lands within or adjoining the Streets within the Limits of this Act shall once in every Day (*Sundays* excepted), before Ten of the Clock in the Forenoon of each Day, cause to be swept and cleansed the Footways and Pavements in front or at the Side of their respective Buildings, Yards, and Lands; and every such Occupier making default herein shall for every such Offence forfeit a Sum not exceeding Five Shillings: Provided always, that for the Purpose aforesaid the Owner of any House let out into divided Apartments shall be deemed the Occupier.

Occupiers to cause Footways to be swept.

CLX. And be it enacted, That it shall be lawful for the Commissioners to compound, for such Time as they think fit, with any Person liable to sweep or clean any Footway under the Provisions of this Act, for sweeping and cleaning the same in the Manner by this Act directed.

Commissioners may compound for sweeping Footways;

CLXI. And be it enacted, That it shall be lawful for the Commissioners to cause any Footway within the Limits of this Act to be
 [Local.] 27 Q swept and may cause them to be swept.

swept or cleansed in such Manner and at such Times as they shall think fit.

Power to purchase or hire Land for depositing Ashes, &c.

CLXII. And be it enacted, That it shall be lawful for the Commissioners to purchase or rent any Land for depositing Ashes, Dirt, Dung, and other Filth collected under the Authority of this Act, and the Accommodation and placing or Care of all Animals, Matters, and Things used or employed under the Authority of this Act for the Purposes thereof, from any Person willing to sell or let the same.

Commissioners may order Nuisances to be abated.

CLXIII. And be it enacted, That if any Foundry, Candle-house, Melting-house, Melting-place, or Soap-house hereafter to be erected or made, or any Slaughter-house, Boiling-house for Offal, Hog-sty, uninclosed or uncovered Yard or Place for the Deposit or sifting of Lime, Necessary House, Dunghill, Manure Heap, or other offensive Building, Place, or Matter, in or near any Street within the Limits of this Act, shall be a Nuisance to any Inhabitant, it shall be lawful for the Commissioners, upon Complaint made by any Inhabitant, to inquire into the Matter of such Complaint; and if the Commissioners shall consider such Building, Place, or Matter of which such Complaint shall be made to be a Nuisance, it shall be lawful for them, by Notice in Writing, to order the Person by or on whose Behalf such Nuisance is carried on, kept, or made to discontinue or remedy the same.

Penalty for Disobedience to Commissioners Order.

CLXIV. And be it enacted, That if such Nuisance as aforesaid shall not be discontinued or remedied within Fourteen Days after the Service of such Notice, the Person by or on whose Behalf such Nuisance is carried on, kept, or made shall be liable to a Penalty not exceeding Five Pounds for every Day during which such Nuisance shall be continued or unremedied after the Expiration of Fourteen Days from the Service of the said Notice: Provided always, that when any Person who shall think himself aggrieved by any Order of the Commissioners shall, according to the Provisions contained in this Act, appeal against such Order, such Person shall not be liable to discontinue or remedy the Nuisance mentioned therein, or to pay any Penalty, until after the Expiration of Fourteen Days after the Determination of such Appeal, and the Confirmation of the Order of the Commissioners, unless such Appeal shall cease to be prosecuted.

Penalty for suffering Dogs to go at large after Notice.

CLXV. And be it enacted, That if any Person shall, after public Notice given by any Justice directing Dogs to be confined on account of Suspicion of Canine Madness, suffer any Dog to be at large within the Limits of this Act during the Time specified in such Notice, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds.

Dogs suspected to be mad may be destroyed.

CLXVI. And be it enacted, That it shall be lawful for any Constable or other Officer appointed by virtue of this Act to destroy any Dog or other Animal within the Limits of this Act reasonably suspected to be in a rabid State, or to have been bitten by any Dog or Animal reasonably suspected to be in a rabid State.

CLXVII. And

CLXVII. And be it enacted, That the Owner of any such Dog or Animal, who shall permit the same to go at large within the Limits of this Act after having Information or reasonable Ground for believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State, shall be liable to a Penalty not exceeding Five Pounds.

Penalty for suffering mad Dogs to be at large.

CLXVIII. And be it enacted. That if any Horse, Cattle, or other Animal shall at any Time be found at large in any of the Streets within the Limits of this Act without any Person therewith claiming the same, it shall be lawful for any Constable or Officer of Police, or for any of the Inhabitants or Persons residing within the Limits of this Act, to seize and impound any such Horse, Cattle, or Animal in the common Pound of the said Township, or in such other Place as the Commissioners shall appoint for that Purpose, and to detain the same therein until the Owner thereof shall for each Animal so impounded pay a Sum of Money not exceeding Ten Shillings to the Commissioners, and also the Sum of One Shilling to the Person impounding the same, besides the reasonable Expences of impounding and keeping the same.

Power to impound stray Cattle.

CLXIX. And be it enacted, That if the said Sums and Expences shall not be paid within Three Days after such impounding, it shall be lawful for the Pound-keeper, or such other Person as shall be appointed by the Commissioners, to sell or cause to be sold any such Animal; but previous to such Sale Seven Days Notice thereof shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Animal, if the Owner thereof shall be known, or if not, then Notice of such intended Sale shall be given by Advertisement, to be inserted Seven Days before such Sale in some Newspaper published or circulated within the Limits of this Act; and the Money arising from such Sale, after deducting the said Sums and the Expences aforesaid, and such other Expences as may attend the keeping and Sale of any such Animal so impounded, shall be paid to the Commissioners, to be paid by them to the Person whose Property the Animal so sold shall appear to have been, and which Money the Commissioners are hereby required to pay, on Demand.

Power to sell stray Cattle for Penalty and Expences.

CLXX. And be it enacted, That in case any Person shall release or attempt to release from the Pound or Place where the same shall be impounded any Horse, Cattle, or Animal which shall be seized for the Purpose of being impounded under the Authority of this Act, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until such Horse, Cattle, or Animal seized or impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One Justice, be committed by him to the Common Gaol or House of Correction of the said County, there to remain without Bail for any Time not exceeding Three Months.

Persons guilty of Pound-breach or Rescue to be committed for Three Months.

CLXXI. And

Power to
provide a
Pound,

CLXXI. And be it enacted, That it shall be lawful for the Commissioners to purchase a Piece of Land within the Limits of this Act, for the Purpose of a Pound for stray Animals, from any Person willing to sell the same, and to erect a Pound thereon; and such Pound when made shall be kept in repair by the Commissioners, and appropriated by them for ever as a Pound for the Use of the Inhabitants within the Limits of this Act.

Penalty for
conveying
offensive
Matter at
improper
Times.

CLXXII. And be it enacted, That every Person who, within the Limits of this Act, shall empty or begin to empty any Privy, or remove along any Thoroughfare any Night-soil, Soap Lees, Ammoniacal Liquor, or other such offensive Matter, except within the Periods herein-after mentioned, (that is to say,) from *Lady Day* to *Michaelmas* between the Hours of Ten in the Evening and Six in the Morning, and from *Michaelmas* to *Lady Day* between the Hours of Eight in the Evening and Eight in the Morning, or who shall at any Time use for any such Purpose any Cart or Carriage not having a proper Covering, or who shall wilfully or carelessly slop or spill any such offensive Matter in the Removal thereof, or who shall not carefully sweep and clean every Place in which any such offensive Matter shall have been placed, slopped, or spilled, shall forfeit any Sum not exceeding Forty Shillings; and in default of the Apprehension of the actual Offender the Owner of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender.

Penalty on
Blacksmiths
not closing
their Shutters
after Sunset.

CLXXIII. And be it enacted, That if any Blacksmith, Whitesmith, Anchorsmith, Nail-maker, or other Person using a Forge, and having a Door, Window, or Aperture fronting or opening into or towards any Street within the Limits of this Act, shall not close such Door, or fasten the Shutters or other Fastenings of such Windows, and close such Aperture, every Evening within One Half Hour after Sunset, so as effectually to prevent the Light from shining through the Doorway, Window, or Aperture into or upon such Street, every Person so offending shall for every Offence forfeit a Sum not exceeding Twenty Shillings; provided that nothing herein contained shall extend to Forges below the Pavement of the Street.

Penalty for
setting Chim-
ney on fire.

CLXXIV. And be it enacted, That if any Person shall wilfully set or cause to be set on fire any Chimney within the Limits of this Act, he shall for every such Offence forfeit a Sum not exceeding Five Pounds; provided that nothing herein contained shall extend to any Case in which the Person so setting or causing to be set on fire any Chimney shall be liable to be indicted for Felony.

Penalty for
having Chim-
ney on fire.

CLXXV. And be it enacted, That if the Chimney of any Person shall catch or be on fire within the Limits of this Act, every Person (being the Party occupying or using such Chimney) shall, so often as the same shall occur, forfeit a Sum not exceeding Ten Shillings: Provided always, that such Forfeiture shall not be incurred if such Person shall prove to the Satisfaction of a Justice that such Fire was in no ways owing to Omission, Neglect, Carelessness, or Fault of himself or Servant,

CLXXVI. And

CLXXVI. And be it enacted, That every Person shall be liable to a Penalty of not more than Forty Shillings, who, in any Street within the Limits of this Act, shall commit any of the following Offences; (that is to say,)

Penalty of 40s. for certain Offences herein mentioned.

Every Person who shall, to the Annoyance of the Inhabitants or Passengers, expose for Show, Hire, or Sale, (except in a Market lawfully appointed for that Purpose, or upon *Blakey Moor* under the Authority of the Lords of the said Manor as herein-after mentioned,) or feed or fodder, any Horse or other Animal; or show any Caravan or Carriage containing any Animal, or any other Show or public Entertainment; or shoe, bleed, or farry any Horse or Animal (except in Cases of Accident); or clean, dress, exercise, train or break, or turn loose any Horse or Animal; or clean, make, or repair any Part of any Cart or Carriage, except in Cases of Accident where Repair on the Spot is necessary:

Every Person who shall suffer to be at large any unmuzzled ferocious Dog, or set on or urge any Dog or other Animal to attack, worry, or put in fear any Person, Horse, or other Animal:

Every Person who, by Negligence or Ill-usage in driving Cattle, shall cause any Mischief to be done by such Cattle, or who shall in anywise misbehave himself in the Driving, Care, or Management of such Cattle; and also every Person, not being hired or employed to drive such Cattle, who shall wantonly and unlawfully pelt, drive, or hunt any such Cattle:

Every Person who shall slaughter any Cattle, or dress any Cattle or any Part thereof (except in the Case of any over-driven Cattle, or which may have met with any Accident, and which it may be impossible to get to any Slaughter-house, and which the Public Safety or other Circumstances may require to be killed on the Spot):

Every Person having the Care of any Waggon, Cart, or Carriage, who shall ride on any Part thereof, or on the Shafts, or on any Horse or other Animal drawing the same, without having Reins and holding the same, or who shall be at such a Distance from such Cart, Waggon, or Carriage as not to have the complete Control over every Horse or other Animal drawing the same; or shall not keep the Waggon, Cart, or Carriage to the Left or Near Side, except in case of actual Necessity or some sufficient Reason for Deviation; or shall wilfully prevent any Person or Carriage from passing him or any Carriage under his Care:

Every Person who shall drive any Horse or other Animal drawing any Waggon, Cart, or other such Carriage at any faster Rate than a common Walk:

Every Person who shall ride or drive furiously, or so as to endanger the Life or Limb of any Person, or to the common Danger of the Passengers in any Thoroughfare:

Every Person who shall cause any public Carriage, Sledge, Truck, or Barrow, with or without Horses, to stand longer than may be necessary for loading or unloading, or for taking up or setting down Passengers, except Hackney Carriages standing for Hire in any Place appointed for that Purpose by the Commissioners; and every Person who, by means of any Cart, Carriage, Sledge,
[Local.] 27 R Truck,

Truck, or Barrow, or any Horse or other Animal, shall wilfully interrupt any public Crossing, or wilfully cause any Obstruction in any Thoroughfare :

Every Person who shall draw any Timber, Stone, or other weighty Article without the same being placed upon or suspended from a wheeled Carriage proper for that Purpose :

Every Person who shall cause any Tree or Timber to be drawn in or upon any Timber Carriage without having to guide and direct the hind Wheels of such Carriage a Person who shall not be under the Age of Eighteen Years, and who shall be of sufficient Strength to guide and direct the same by means of a Rope or Chain attached to the Steerer thereof :

Every Person who shall lead or ride any Horse or other Animal, or draw or drive any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway or Curbstone ; or fasten any Horse or other Animal so that it may stand across or upon any Footway :

Every Person who shall place or leave any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Basket, Pail, or Bucket, or place or use any Standing Place, Stool, Bench, Stall, or Show-board, on any Footway ; or shall place any Blind, Shade, Covering, or Awning over or along any such Footway, unless such Blind, Shade, Covering, or Awning shall be Seven Feet in Height at least in every Part thereof from the Surface of such Footway, and shall extend over the whole Breadth of such Footway :

Every Person who shall place, hang up, or otherwise expose to Sale any Goods, Wares, Merchandize, Matter, or Thing whatsoever, so that the same shall project into or over any Footway, or beyond the Line of any House, Shop, or Building at which the same shall be so exposed, so as to obstruct or incommode the Passage of any Person over or along such Footway :

Every Person who shall roll or carry any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, or Log of Wood, upon any Footway, except for the Purpose of loading or unloading any Cart or Carriage, or of crossing the Footway :

Every Person who shall suffer any Goods or Merchandize, or any Coal or Fuel intended for any House, to remain in any Street for a longer Period than shall be necessary for the housing or removing thereof :

Every Person who shall place any Line, Cord, or Pole across any Street, or hang or place any Clothes therein, to the Danger or Obstruction of any Person :

Every Person who shall convey or carry, or cause to be conveyed or carried, the Carcase or any Part of the Carcase of any slaughtered Cattle without a sufficient Cloth Covering to the same :

Every common Prostitute or Nightwalker loitering or being in any Thoroughfare or public Place for the Purpose of Prostitution or Solicitation, to the Annoyance of the Inhabitants or Passengers :

Every Person who shall wilfully and indecently expose his Person :

Every Person who shall sell or distribute, or offer for Sale or Distribution, or exhibit to public View, any profane, indecent, or obscene Book, Paper, Print, Drawing, Painting, or Representation, or sing any profane, indecent, or obscene Song or Ballad,

- or write or draw any indecent or obscene Word, Figure, or Representation, or use any profane, indecent, or obscene Language, to the Annoyance of the Inhabitants or Passengers :
- Every Person who shall use any threatening, abusive, or insulting Words or Behaviour with Intent to provoke a Breach of the Peace, or whereby a Breach of the Peace may be occasioned :
- Every Person who shall blow any Horn or use any other noisy Instrument for the Purpose of calling Persons together, or of announcing any Show or Entertainment, or for the Purpose of hawking, selling, distributing, or collecting any Article whatsoever, or of obtaining Money or Alms :
- Every Person who shall wantonly discharge any Fire-arm, or throw or discharge any Stone or other Missile, to the Damage or Danger of any Person, or make any Bonfire, or throw or set fire to any Firework :
- Every Person who shall wilfully and wantonly disturb any Inhabitant by pulling or ringing any Door Bell, or knocking at any Door, without lawful Excuse ; or who shall wilfully and unlawfully extinguish the Light of any Lamp :
- Every Person who shall fly any Kite or play at any Game, to the Annoyance of the Inhabitants or Passengers ; or who shall make or use any Slide upon Ice or Snow, to the common Danger of the Passengers :
- Every Person who shall burn, dress, or cleanse any Cork ; or cleanse, hoop, fire, wash, or scald any Cask or Tub ; or hew, saw, bore, or cut any Timber or Stone ; or slack, sift, or screen any Lime :
- Every Person who shall throw or lay any Stones, Slates, Shells, Lime, Bricks, Timber, Iron, or other Materials, except Building Materials, or the Rubbish thereby occasioned, according to the Provisions herein-before contained :
- Every Person who shall beat or shake any Carpet, Rug, or Mat (except Door Mats before the Hour of Eight in the Morning).

CLXXVII. And be it enacted, That every Person shall be liable to a Penalty of not more than Forty Shillings who, within the Limits of this Act, shall commit any of the following Offences ; (that is to say,)

- Every Person who shall wilfully or wantonly break any public or private Lamp, Lamp Iron, Post, or Apparatus ; the Penalty to be in addition to the Amount of Damage :
- Every Person who shall fix or place any Flowerpot or Box in any upper Window without sufficiently guarding the same against being blown or thrown down :
- Every Person who shall throw or cast from the Roof or any Part of any House or other Building any Slate, Brick, Part of any Brick, Wood, Rubbish, or other Material or Thing :
- Every Person who, without the Consent of the Owner or Occupier, shall affix any Posting Bill or other Paper upon any Building, Wall, Fence, or Paling, or write upon, soil, deface, or mark any such Building, Wall, Fence, or Paling with Chalk or Paint, or in any

Penalty of 40s. for certain other Offences herein mentioned.

any other Way whatsoever; or wilfully break, destroy, or damage any Part of any such Building, Wall, Fence, or Paling, or any Fixture or Appendage thereunto, or any Tree, Shrub, or Seat in any public Walk, Park, or Garden:

Every Person who shall expose any thing for Sale in any Park or public Garden, unless with the Consent of the Owner of such Park or Garden or other Person authorized to give such Consent:

Every Person who, to the Danger of Passengers in any Thoroughfare, shall leave open any Vault or Cellar, or the Entrance from any Thoroughfare to any Cellar or Room under Ground, without a sufficient Fence or Handrail, or leave defective the Door, Window, or other Covering of any Vault or Cellar; or who shall not sufficiently fence any Area, Pit, or Sewer left open in or adjoining to any Thoroughfare; or who shall leave such open Area, Pit, or Sewer without a sufficient Light after Sunset to warn and prevent Persons from falling thereinto:

Every Person who shall throw or lay any Dirt, Litter, or Ashes, or any Carrion, Fish, Offal, or Rubbish, on any Street; or throw or cause any such Thing to fall into any Sewer, Pipe, or Drain, or into any Well, Stream, or Watercourse, Pond or Reservoir for Water; or cause any offensive Matter to run from any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill, into any Street or other uncovered Place, whether or not surrounded by a Wall or Fence: Provided always, that it shall not be deemed an Offence to lay Sand or other Materials in any Street in Time of Frost to prevent Accidents, or Litter or other Materials to prevent the freezing of Water in Pipes, or, in case of Sickness, to prevent Noise, if the Party laying any such Things shall cause them to be removed as soon as the Occasion for them shall cease:

Every Person who shall keep any Pigsty to the Front of any Street, not being shut out from such Street by a sufficient Wall or Fence; or who shall keep any Swine in or near any Street or in any Dwelling, so as to be a common Nuisance:

Every Person who shall, within the Distance of One hundred Yards from any Dwelling House, burn any Rags or any offensive Substance, so that the same shall be a common Nuisance:

Every Person who shall place or keep any offensive Matter in any inclosed or open Ground within One hundred Yards of any Dwelling House, so as the same may become a Nuisance or Annoyance to any Inhabitant:

And if any Person causing any such common Nuisance or any such Annoyance as aforesaid, or casting or depositing any such Matter or Thing as aforesaid into or in the said Brook or Stream called the *Blakeburn* or *Blakewater*, or suffering any refuse or offensive Liquid to flow therein (except as herein-after excepted), shall not abate the Nuisance and remove the offensive Deposit within Two Days after Notice from the Commissioners or their Surveyor or Officer requiring him to abate or remove the same, then each Day's Continuance of the same unabated or unremoved shall be deemed a separate Offence, and

and every such Person shall be liable to and pay an additional Penalty not exceeding Twenty Shillings daily accordingly.

CLXXVIII. And be it enacted, That if any Person shall negligently or accidentally destroy, injure, or damage any public or private Lamp, or the Post, Iron, Cover, or Furniture thereof, or any Appendance thereto, and shall not, upon Demand, make Satisfaction for the Damage done, the Amount of such Satisfaction may be ascertained and recovered in the same Manner as is herein-after provided for the ascertaining and Recovery of any Damages or Charges for the ascertaining and Recovery of which no special Provision is contained in this Act.

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

CLXXIX. Provided always, and be it enacted, That until a new Market Place shall be provided under the Powers of this Act the Occupiers of Houses, Shops, and Buildings in the Town of *Blackburn* shall be allowed as heretofore to hang up, place, or expose for Sale, on Market Days and Fair Days, any Goods, Wares, or Merchandizes, or any other Matter or Thing, on the Footways, at or near the Doors of such Houses, Shops, or Buildings; any thing in this Act contained to the contrary notwithstanding.

On Market Days Goods may be exposed for Sale on the Footways until a new Market Place is provided.

CLXXX. And be it enacted, That every Person who shall throw, cast, or deposit any Animal, or the Carcase of any Animal, or any Carrion, Offal, Filth, Soil, Mud, Ashes, Stone, Gravel, Sand, Garden Stuff, Rubbish, or refuse Water or Liquid, or any offensive Matter or Thing whatsoever, into the Brook or Stream called the *Blakeburn* or *Blakewater*, or suffer any refuse or offensive Water or Liquid to flow from his Premises into the same, within the Limits of this Act, except such Filth, Soil, refuse Water, or offensive Matter as shall be conveyed therein in public or private Sewers or Drains, shall forfeit for every Offence any Sum not exceeding Forty Shillings.

Throwing Carrion, &c. into the Blakeburn.

CLXXXI. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause the several Streets within the Limits of this Act, or such of them as they shall think proper, to be lighted with Gas, Oil, or otherwise, at such Times as they shall think fit, and to provide such Lamps, Lamp Posts, Lamp Irons, Pipes, and other Works as may be necessary for that Purpose.

Power to Commissioners to light the Streets.

CLXXXII. And be it enacted, That it shall be lawful for the Commissioners to manufacture Gas, and to provide Gasometers and all Apparatus and Machinery necessary for that Purpose, and to purchase or rent any Land, not exceeding Two customary Acres, which may be necessary for the Establishment of such Manufacture.

Power to manufacture Gas.

CLXXXIII. And for the Purpose of enabling the Commissioners, or any Person or Company with whom they may contract, to light the said Streets, or any of them, be it enacted, That it shall be lawful for the Commissioners, or any Company or Person with whom they may contract for lighting the said Streets, or any of them, under the Control and Direction of the Commissioners, to break up the Soil or
[Local.] 27 S Pavement

Power to break up Streets and lay down Pipes, &c.

Pavement of any Street within the Limits of this Act, and to lay and fix therein such Pipes, Lamp Posts, and other Works as they or he may deem necessary for lighting the same, and also to lay and place against any Houses, Buildings, and Inclosures such Pipes, Lamp Posts, Lamp Irons, and Lamps and other Works as they may deem necessary for the Purposes aforesaid : Provided always, that the Commissioners shall not lay or continue any Lamp, Lamp Post, Lamp Iron, Pipe, or other Work against or through any Building, Inclosure, or Land, except with the Consent of the Owner and Occupier thereof.

Service Pipes
to be kept
fully charged.

CLXXXIV. And be it enacted, That every Branch or Service Pipe which shall be used for lighting with Gas the said Streets shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede any such Branch or Service Pipe being filled with Gas during the Time the same shall be lighted.

Power to
Commissioners
to supply
Individuals
with Gas.

CLXXXV. And be it enacted, That it shall be lawful for the Commissioners, if they shall manufacture Gas for lighting the Streets within the Limits of this Act, to supply any Inhabitant within the said Limits with Gas on such Terms and Conditions as shall be agreed upon between the Commissioners and such Inhabitant ; and for the Purpose of supplying any such Inhabitant with Gas the Commissioners shall have the same Powers of breaking up the Soil and Pavement of any Street, and laying and fixing any Pipes and other Works therein, as are hereby granted to the Commissioners for the Purpose of lighting any Street within the Limits of this Act.

Notice to be
served before
breaking up
the Streets.

CLXXXVI. And be it enacted, That before any Street within the Limits of this Act shall be opened or broke up by any Person making or supplying Gas within the Limits of this Act, such Person shall give to the Persons under whose Control or Management such Street may be Notice in Writing of their Intention to open or break up the same Two Days before the Commencement of such Operation ; and such Notice shall specify the Time at which such Street shall be intended to be opened or broken up.

Streets to be
broken up
under Super-
intendence.

CLXXXVII. And be it enacted, That every such Street shall be opened or broken up under the Superintendence of the Persons having the Control or Management of the same, or their Officer, in case they or he shall attend at the Time mentioned in such Notice, or at the Time determined by the Justice as herein-after mentioned, and also according to such Plan as shall be agreed upon between such Persons or their Officer and the Person supplying Gas, or in case of any Difference respecting such Plan then according to such Plan as shall be determined by a Justice ; and such Justice is hereby required, on the Application of the Person supplying Gas, to determine the Plan according to which and the Time at which such Street shall be opened or broken up ; provided that Two Days Notice of the Time and Place at which such Determination is to be made shall be proved to have been served on the Person having the Control or Management of the Street proposed to be broken up.

CXXXVIII. And

CLXXXVIII. And be it enacted, That when the Pavement or Soil of any Street shall be opened or broken up by the Person supplying Gas as aforesaid he shall with all convenient Speed complete the Work on account of which the same shall be broken up, and fill in the Ground and make good the Pavement or Soil so opened or broken up, and carry away the Rubbish occasioned thereby, and shall in the meantime cause the Place where such Pavement or Soil shall be so opened or broken up to be fenced and guarded, and set up and maintain upon or against the Part of the said Pavement or Soil so broken up or opened a sufficient Light during every Night during which such Pavement or Soil shall be continued open or broken up.

Streets broken up to be reinstated without Delay.

CLXXXIX. And be it enacted, That if the Person so supplying Gas shall make any Delay in completing any such Work, or in filling in the Ground or making good the Pavement or Surface so opened or broken up, or in carrying away the Rubbish so occasioned as aforesaid, or in causing to be fenced, guarded, or lighted the Place where such Pavement or Surface shall have been broken up, he shall forfeit a Sum not exceeding Five Pounds for every such Offence, and also any Sum not exceeding the further Sum of Forty Shillings for every Day such Delay shall continue.

Penalty for Delay in reinstating the Street.

CXC. And be it enacted, That if any such Delay as aforesaid shall take place it shall be lawful for the Persons having the Control or Management of the Street in respect of which such Delay shall take place to cause the Matter or Thing so delayed to be done; and the Expence of doing the same, together with the Costs of recovering such Expence, shall be recovered from the Person so supplying Gas, in the same Manner as any Damages for the Recovery of which no special Provision is made by this Act are hereby directed to be recovered; and the Money so recovered shall be applied by the Persons having the Control or Management of the Street for the Purposes of the same.

In case of Delay other Parties may reinstate and recover the Expences.

CXCI. And be it enacted, That if any Person making or supplying any Gas within the Limits of this Act shall at any Time cause or suffer to be conveyed or to flow into any Stream, Reservoir, Aqueduct, Pond, or Place for Water within the Limits of this Act, or into any Drain, Sewer, or Ditch communicating therewith, any Washing, Substance, or Thing which shall be produced in making or supplying Gas, or shall do any Act to the Water contained in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water, whereby the Water therein shall be fouled or corrupted, then such Person shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalty on Gas Makers for suffering their Washings to run into any Stream of Water within the Limits of this Act.

CXCII. And be it enacted, That the said Penalty of Two hundred Pounds shall be recovered, with full Costs of Suit, in any of the Superior Courts, including the Court of Common Pleas at *Lancaster*, by Action of Debt or on the Case, by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted by any such Act as aforesaid: Provided always, that the said Penalty shall not be recoverable unless the same be sued for within Twelve Months after the Offence

Penalty to be sued for in the Superior Courts within Twelve Months.

Offence in respect of which such Penalty shall have been incurred shall have ceased.

Daily Penalty during Continuance of the Offence.

CXCIII. And be it enacted, That in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered or not) the Person making or supplying Gas as aforesaid shall forfeit the Sum of Twenty Pounds (to be recovered in the like Manner) for each Day such Washing, Substance, or Thing shall be conveyed or shall flow as aforesaid, or the Act by which such Water as aforesaid shall be fouled or corrupted shall continue after the Expiration of Twenty-four Hours from the Time at which Notice of the Offence shall have been served on such Person by the Person into whose Water such Washing, Substance, or Thing shall be conveyed or shall flow, or whose Water shall be fouled or corrupted thereby; and such Penalty shall be paid to such last-mentioned Person.

Daily Penalty during Escape of Gas after Notice.

CXCIV. And be it enacted, That whenever any Gas shall escape from any Pipe which shall be laid down or set up by any Person making or supplying any Gas within the Limits of this Act, such Person shall, immediately after receiving Notice in Writing of any such Escape of Gas, prevent such Gas from escaping; and in case such Person shall not within Twenty-four Hours next after Service of such Notice effectually prevent the Gas from escaping, and wholly remove the Cause of Complaint, then he shall for every such Offence forfeit the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Service of such Notice during which the Gas shall be suffered to escape.

Position of Gas Pipes with reference to Water Pipes.

CXCV. And be it enacted, That every Pipe for the Conveyance of Gas within the Limits of this Act shall be laid at the greatest practicable Distance, and, if the Width of the Carriageway will admit 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 within the Limits of this Act, except where it shall be necessary to lay the Gas Pipe across any Water Pipe, in which Case such Gas Pipe shall be laid above the Water Pipe at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and shall be at least Nine Feet in Length, and be so laid down that no Joint of any Gas Pipe shall be nearer to any Part of the Water Pipe than Four Feet.

Manner of laying Gas Pipes.

CXCVI. And be it enacted, That in laying down any such Gas Pipe no Two of such Gas Pipes shall be joined together previous to their being laid in the Trench, but each Pipe shall be laid as near as may be in its Place in the Trench, and the Jointing with the other Pipes to be added thereto shall be made after the Pipes shall be so laid in the Trench with proper Materials, and every such Pipe, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, shall be made and kept Air-tight, so that in every respect the Gas shall be prevented from escaping therefrom.

CXCVII. And

CXCVII. And be it enacted, That if any Gas Pipe shall be laid down, formed, or jointed contrary to any of the Provisions herein contained, or if the Gas shall escape from any such Pipe, the Person to whom such Gas Pipe shall belong shall forfeit for every such Offence the Sum of Five Pounds.

Penalty for laying Gas Pipes contrary to Act.

CXCVIII. And be it enacted, That whenever any Water within the Limits of this Act shall be contaminated by the Gas of any Person making or supplying Gas within the Limits of this Act, such Person shall forfeit for every such Offence a Sum not exceeding Twenty Pounds to the Person whose Water shall be so contaminated or affected.

Penalty on Gas Makers if Water contaminated.

CXCIX. And be it enacted, That if the Person so making or supplying Gas shall not, within Twenty-four Hours next after Notice in Writing of any Water being contaminated or affected served on him by the Person whose Water shall be so contaminated or affected, prevent the Gas from contaminating or affecting such Water, such Person shall, over and above the before-mentioned Penalty of Twenty Pounds, forfeit for every such Offence, to the Person whose Water shall be contaminated or affected, a Sum not exceeding Ten Pounds for each Day during which the said Water shall remain contaminated or affected after the Expiration of Twenty-four Hours from the Service of such Notice.

Daily Penalty during Continuance of Contamination after Notice.

CC. And whereas it may become a Question upon any such Complaint as aforesaid whether the said Water be contaminated or affected by the Gas of any Person making or supplying Gas within the Limits of this Act; be it therefore enacted, That it shall be lawful for the Person to whom the Water supposed to be contaminated or affected by Gas may belong to dig and examine the Pipes, Conduits, and Apparatus of the Person making or supplying Gas, for the Purpose of ascertaining whether the said Water has been contaminated or affected by the Gas of such Person.

Power to examine Gas Pipes to ascertain Cause of Contamination.

CCI. And be it enacted, That if upon such Examination it shall appear that such Water has been contaminated or affected by any Gas belonging to such Person, the Expences of the Digging, Examination, and Repair of the Street or Place which shall be disturbed in any such Examination shall be paid by the Person making or supplying Gas; but if upon such Examination it shall appear that the Water has not been contaminated or affected by the Gas of such Person, then the Person causing such Examination to be made shall pay all the Expences of Examination and Repair, and also make good to the said Person any Injury which may be occasioned to the Works of the said Person by such Examination.

The Expences to abide the Result of the Examination.

CCII. And be it enacted, That the Amount of the Expences of every such Examination and Repair, and of any Injury done to the Person making or supplying Gas, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in the same Manner as any Damages for the ascertaining and Recovery of which no special Pro-

How Expences to be ascertained and recovered.

vision is made by this Act are hereby directed to be ascertained and recovered.

Persons supplying Gas liable to Indictment.

CCIII. Provided always, and be it enacted, That nothing in this Act contained shall prevent any Person making or supplying Gas within the Limits of this Act from an Indictment for any Nuisance or any other legal Proceeding to which he may be liable in consequence of the making or supplying such Gas.

Protecting the Privileges of the Blackburn Gas Light Company.

CCIV. Provided also, and be it enacted, That nothing in this Act contained shall annul or abridge the Powers and Authorities given to "The Blackburn Gas Light Company" by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for better lighting with Gas the Town and Township of Blackburn in the County Palatine of Lancaster.*

Fire Engines and Firemen may be provided by the Commissioners.

CCV. And be it enacted. That it shall be lawful for the Commissioners to purchase or provide such Engines for extinguishing Fire, and such Water Buckets, Pipes, and other Apparatus for such Engines, and such Fire Escapes and other Implements for Safety or Use in case of Fire, and to purchase, keep, or hire such Horses for drawing such Engines, as they shall think fit, and to build, provide, or hire Places for keeping such Engines or other Apparatus, and to employ a proper Number of Persons to act as Firemen, and to allow them such Salaries, and to make such Rules for their Regulation, as they shall think proper, and to give such Firemen and other Persons such Rewards for their Exertions in Cases of Fire as they shall think fit.

Reservoirs to be made for Water to extinguish Fires, &c.

CCVI. And be it enacted, That for the more expeditiously extinguishing of Fires it shall be lawful for the Commissioners to make and cause to be made, under any of the public Streets within the Limits of this Act, such and so many Reservoirs for collecting and preserving Water as they shall think proper, provided the same be done without Damage or Prejudice to the Waterworks whereby Part of the said Township is now supplied with Water; and it shall be lawful for any of the Firemen or Officers of the Commissioners, or any Person by Order of any One or more of such Commissioners, Firemen, or Officers, present at every Fire, to take up or break any of the Pavements within the said Limits, or any Water Pipe therein; and the Commissioners may from Time to Time, with the Consent of the Proprietors of such Waterworks, direct Fire Plugs to be put into the Water Pipes in any Street within the Limits of this Act belonging to such Proprietors, for the Purpose of better obtaining Water for the working of the Fire Engines, or otherwise extinguishing of Fires; and the Proprietors of such Water Pipes shall, upon all Occasions of any Fire happening within the Limits of this Act, supply such Pipes with all such Water as can be obtained by means of the Waterworks subsisting for conveying or bringing Water to the said Township for the Time being; and all Pavements so to be taken up, and all Pipes so to be broken, shall be repaired and made good with all convenient Speed by the Commissioners, and all Water Pipes which, for the Purposes aforesaid, or for any Purpose in the Execution of this Act, shall

shall be taken up or removed, shall be relaid and replaced in the same State as before such taking up or Removal; and the Expence of making such Reservoirs and of doing such Works and Repairs shall be paid by the Commissioners out of the Rates and Monies to be raised as herein mentioned.

CCVII. Provided always, and be it enacted, That the Powers hereby given to the Commissioners for making Reservoirs or other Works shall not be exercised so as to injure or damage the existing Waterworks in the said Township, nor shall the Powers of the Proprietors, or their Tenants, of such existing Waterworks, for altering the same, or making additional Works, be annulled or abridged by any thing in this Act contained.

Protection
for existing
Waterworks.

CCVIII. And be it enacted, That the Fire Engines to be provided by virtue of this Act may be called out and used for the Purpose of extinguishing Fires which shall from Time to Time break out or happen within the Limits of this Act or elsewhere; and the Sum of Forty Shillings shall be paid by the Occupier of the Premises as a Reward to the Firemen bringing and working the first Fire Engine arriving at any such Fire.

Fire Engines
may be called
out to extin-
guish Fires.

CCIX. And be it enacted, That if any such Fire Engine shall be used in extinguishing any Fire beyond the Limits of this Act, or shall at the Request of any Person be used for any Purpose besides that of extinguishing Fires, it shall be lawful for the Commissioners or their Officers to charge, demand, and receive, from the Occupier of the Premises at which any such Fire shall break out or happen, or the Person at whose Request such Engine shall be used, the full Costs and Expences which the Commissioners or their Officers shall incur, together with a reasonable Sum, to be ascertained and determined by any Justice of the Peace for the said County in case the Parties do not agree, for Wear and Tear of such Engine, and for the Trouble occasioned to the Commissioners or their Officers in the Service aforesaid.

A Charge
may be made
for Use of
Engines
out of the
Township.

CCX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cleanse, scour, deepen, widen, and improve, in such Manner as they shall think proper, the Waterway and Course of the said Stream or Brook called the *Blakeburn* or *Blake-water*, or any Part thereof, within the Limits of this Act, and to remove or cause to be removed all Shoals and other Obstructions in the said Brook, and remove and carry away all Trees, Roots of Trees, Stones, Earth, and other Matters in the Bed or Course of the Waterway thereof, and which it may be requisite to remove for the Purposes aforesaid, and also from Time to Time to place the same on the Sides of the said Stream or Brook until the same can be removed and carried away: Provided that nothing herein contained shall authorize the Commissioners to remove, alter, or injure any ancient Weir or Cawl now being in or across the said Brook, or to prejudice or affect the Rights of any Owner or Occupier of Land or Ground, or any Building thereon, adjoining the said Brook.

For cleansing
and improv-
ing the Water-
way of the
Blakeburn.

Ancient
Weirs and
Rights of
Land Owners
protected.

CCXI. And

Power to
remove, erect,
and repair
Bridges over
the Blake-
burn or
Blakewater.

CCXI. And for the more effectual Improvement of the Water-way of the said Brook or Stream, and of the said Town of *Blackburn*, be it enacted, That it shall be lawful for the Commissioners to repair, widen, alter, take down, remove, and rebuild any of the present or future Bridges used or to be used for Carriages or for Foot Passengers across the said Brook or Stream within the Limits of this Act, and build any new Bridges across the same of such Width and in such Manner as the Commissioners shall think proper, with proper Foundations, Piers, and Abutments in the said Brook or Stream, and also on any Lands which the Commissioners shall purchase or rent on the Sides thereof for the Purpose, and to cut and level the Banks of the said Brook or Stream in such Manner as the Commissioners shall think necessary, and also to alter and widen the Approaches to such Bridges: Provided that nothing herein contained shall authorize the Commissioners to repair, widen, alter, or build any Bridge by Law repairable by any County, Hundred, District, or Person, or to divert or reduce the Stream of Water flowing to the ancient Water Corn-mill upon or adjoining to the said Brook or Stream.

Power to
make new
Market
Places.

CCXII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time, with the Consent in Writing of the Lord or Lords of the said Manor, to lay out and appropriate for Market Places any Building or Land which they shall purchase within the said Township of *Blackburn*, and also to make such Streets and Approaches into and from such Market Places as they shall think proper.

Market
Houses, &c.
may be
erected and
altered or
taken down.

CCXIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to cause to be erected and built Market Houses and other Buildings convenient for the holding and keeping the Markets in the said Township, and to maintain the same in repair, and from Time to Time to alter, take down, and remove any such Market Houses and Buildings.

After new
Market
Places are
provided
Commission-
ers may pro-
hibit Markets
being held
in other
Places.

CCXIV. And be it enacted, That it shall be lawful for the Commissioners, after any new Market Place shall be made under the Powers of this Act, to order that the holding of any Market in any Street or public Place in the said Township where Markets have been heretofore accustomed to be held shall be discontinued, either entirely or only in respect of the Sale of particular Articles or Matters, as they shall think proper; and Copies of such Order, signed by Five or more of the Commissioners, shall be affixed in some conspicuous Place in such Street or public Place on Three successive Market Days, and the same shall also be inserted in some Newspaper circulated in the said Township for Three successive Weeks; and after such Publication of such Order the holding of such Market shall be discontinued accordingly.

No new
Markets to
be laid out or
others closed,
without the
Consent of
Lords of the
Manor.

CCXV. Provided always, and be it enacted, That no new Market Place shall be laid out, appropriated, or purchased; nor any Market House be erected or built, nor any of the present Markets be closed or discontinued, either entirely or partially, or removed from the Places where they are now held, or from any of such Places, without the
the

the Consent in Writing of the Lord or Lords for the Time being of the said Manor.

CCXVI. And be it enacted, That it shall be lawful for the Commissioners to set apart any Buildings for, or to erect on any Land to be purchased by them, such Slaughter-houses as they shall from Time to Time think sufficient for the slaughtering of Cattle, Beasts, and Swine for the Supply of *Blackburn* and its Neighbourhood, and for ever afterwards to maintain and improve the same as they shall think fit; provided that nothing in this Act contained shall protect the Commissioners or any Person from an Indictment for any Nuisance, or from any other legal Proceeding, in respect of any such Slaughter-house.

Commissioners may erect Slaughter-houses.

CCXVII. And be it enacted, That it shall be lawful for the Commissioners to erect on Land to be purchased by them as aforesaid, or otherwise to provide, a public Weighing House or Place in or near the said Market Place or Market Places for weighing or measuring any Meat, Provisions, or other Articles which shall be sold by Weight or Measure in the said Market, and to maintain and improve the same as they shall think fit.

Weighing and Measuring Houses.

CCXVIII. And be it enacted, That the Commissioners shall keep in every such Weighing House or Place proper Weights, Scales, and Measures, according to the Standard Weights and Measures in the Exchequer at *Westminster*, for weighing or measuring all such Provisions or Articles as aforesaid, and shall appoint a proper Person to attend the same at all Times during which the Markets shall be holden.

Standard Weights and Measures to be kept.

CCXIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to purchase or provide proper Buildings or Places in such convenient Situation within the said Township as the Commissioners shall think proper, for weighing Waggon, Carts, or Carriages laden with Goods, and to maintain the same, and to provide proper Machines for such Purpose, and to appoint a Person for the weighing of such Carts or Carriages.

Places for weighing Carts and Carriages.

CCXX. And whereas the estimated Expence of completing the said new Market Place amounts to Five hundred Pounds; be it enacted, That no new Market under this Act shall be opened for public Use until the Sum of Five hundred Pounds has been expended on the Market Places hereby authorized to be made.

Sum to be laid out before Markets are opened.

CCXXI. And be it enacted, That a Certificate under the Hand of any Chairman of the Quarter Sessions of the Peace for the County Palatine of *Lancaster* that the Sum of Five hundred Pounds hath been expended on the said Market Places shall be conclusive Evidence of such Sum having been so expended; and such Chairman shall sign such Certificate on satisfactory Proof being adduced to him that the said Sum has been so expended.

Certificate thereof.

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CCXXII. And

Notice of opening.

CCXXII. And be it enacted, That before any of the new Market Places shall be opened for public Use the Commissioners shall give Ten Days Notice of the Time at which the same will be opened; and every such Notice shall be given by the Publication thereof in some Newspaper published and circulating within the Limits of this Act, and by printed Handbills or Advertisements posted on the Walls of the public Streets, and circulated within the Limits of this Act.

After new Market Places are opened the Sale elsewhere than in the Markets prohibited.

CCXXIII. And be it enacted, That after sufficient Market Places shall be opened for public Use, and so long as the Commissioners shall provide sufficient Market Places for the Accommodation of the Township, no Person shall sell or expose to Sale in any Place within the Limits of this Act, except in such Market Place, or his own Dwelling House or Shop, or such other Place as shall be established for the Purpose under the Provisions of this Act, any Meat, Fish, Poultry, Eggs, Butter, Garden Stuff, or other Commodities, Articles, or Things which are usually sold in public Markets; and any Person who shall, after the opening of such Market, sell or expose to Sale any of the Articles aforesaid in any Place within the Limits of this Act, except in the Markets of the Commissioners or his own Dwelling House or Shop, shall for every Offence be liable to a Penalty not exceeding Forty Shillings.

When sufficient Slaughter-houses are provided Notice to be given.

CCXXIV. And be it enacted, That after sufficient Slaughter-houses for the Accommodation of the said Township shall have been provided by the Commissioners, and the same shall be ready for public Use, the Commissioners shall give Notice that such Slaughter-houses are ready for public Use; and every such Notice shall be published in some Newspaper published and circulating within the Limits of this Act, and also by printed Handbills posted and circulated within the Limits of this Act.

Penalty for slaughtering elsewhere after Notice.

CCXXV. And be it enacted, That after the Expiration of Fourteen Days from the Publication and posting of such Notice in manner aforesaid no Person shall slaughter or dress any Cattle, Beast, Sweep, or Swine for Sale in any Place within the said Township other than the said Slaughter-houses; and if any Person shall, after such Time as aforesaid, and so long as the Commissioners shall provide sufficient Slaughter-houses for the Accommodation of the said Township, slaughter or dress for Sale any such Animal as aforesaid in any Place within the said Township other than one of such Slaughter-houses, he shall be liable to a Penalty not exceeding Five Pounds for every such Offence.

Justices to decide as to the sufficiency of Market Places or Slaughter-houses.

CCXXVI. And be it enacted, That if any Question shall arise as to whether a sufficient Number of Market Places or Slaughter-houses had been or continued to be provided by the Commissioners, such Question shall be determined by the Justices before whom any of such Penalties as last aforesaid shall be sued for.

Tolls to be taken for the Market.

CCXXVII. And be it enacted, That after any such Market Place as aforesaid shall be opened for Public Use it shall be lawful for the Commissioners,

Commissioners, if they shall so order at any Special Meeting, from Time to Time to demand and take, from any Person occupying or using any Stall, Shamble, Shed, or Stand in such Market Place, or bringing therein any Corn or Seed, Provisions, Articles, or Things, specified in the Schedule marked (G.) to this Act annexed, such Stallage, Rents, and Tolls as the Commissioners or their Lessee shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Tolls specified in the said Schedule.

CCXXVIII. And be it enacted, That after such Slaughter-houses as aforesaid shall be opened for public Use it shall be lawful for the Commissioners to demand and take from any Person slaughtering Cattle, Sheep, Beasts, and Swine within any such Slaughter-house, such Tolls in respect thereof as they may think proper, not exceeding the several Tolls or Sums of Money specified in the said Schedule marked (G.)

Tolls for the Slaughter-houses.

CCXXIX. And be it enacted, That it shall be lawful for the Person for the Time being appointed to attend the Weighing-houses or Places for weighing or measuring any Articles sold in the said Market by Weight or Measure from Time to Time to demand and take such Tolls in respect thereof as they may think proper, not exceeding the several Tolls specified in that Behalf in the said Schedule marked (G.)

Tolls for weighing and measuring.

CCXXX. And be it enacted, That it shall be lawful for the Person for the Time being appointed to attend the Machines for weighing Waggon, Carts, or Carriages to demand and receive from the Person requiring the same to be weighed such Tolls as the Commissioners may appoint, not exceeding the Tolls specified in respect of the same in the said Schedule marked (G.); and such Tolls shall be paid before any Waggon, Cart, or Carriage in respect of which the same are payable shall be weighed.

Tolls for weighing Carts.

CCXXXI. And be it enacted, That the Commissioners or their Lessee shall from Time to Time cause to be painted on Boards, in large and legible Characters, and affixed and continued in some conspicuous Place in every Market Place made under the Provisions of this Act, a List of the several Stallages, Rents, and Tolls which shall from Time to Time be payable in respect of the said Markets; and no Stallage, Rent, or Toll shall be payable in respect of any Market during such Time as such List shall not continue to be affixed thereon, or for any Matter or Thing not specified in the said List: Provided always, that if such List shall be destroyed, injured, or obliterated, the Stallages, Rents, and Tolls shall continue to be payable during such Time as may be reasonably required for the Restoration or Reparation of such List in the same Manner as if such List had continued affixed or in the State required by this Act.

List of Tolls to be set up.

CCXXXII. And be it enacted, That the said several Stallages or Rents and Tolls shall be paid from Time to Time, on Demand, to the Commissioners, or their Lessee or Collector, or other Person authorized by them to take the same; and if any Person liable to the Payment

Tolls may be levied by Distress.

ment of any Stallage, Rent, or Tolls, shall not pay the same when demanded, or shall evade the Payment thereof, it shall be lawful for the Commissioners, or their Lessee or Collector, or the Person authorized to take the same, to levy the same by Distress of all or any of the Provisions or other Goods in respect of which such Stallage, Rent, or Toll was payable, or of any other Provisions or Goods belonging to such Person or under his Charge in the Market, and to sell the said Provisions or Goods forthwith, and out of the Proceeds of such Sale to pay the Stallages, Rents, or Tolls so due, rendering the Overplus, on Demand, after deducting the Expences of such Sale, to the Person whose Goods shall have been so distrained.

Disputes to
be settled by
a Justice.

CCXXXIII. And be it enacted, That in case any Dispute shall arise concerning any such Stallage, Rent, or Toll, such Dispute shall be determined by a Justice; and such Justice shall by Warrant summon the Parties to appear before him, and hear and determine the Matter of every such Complaint upon Oath, and make such Order therein, and award such Costs to either Party, as to him shall seem proper; and in default of Payment on Demand of the Money which shall be so awarded, and of the Costs, the same shall be forthwith levied by Distress, and such Justice shall issue his Warrant accordingly.

Penalty for
obstructing
Collector or
Market
Keeper.

CCXXXIV. And be it enacted, That if any Person shall assault or obstruct any Collector of the said Tolls, Rents, or Stallage, or other Person authorized to receive the same, or any of them, or any Person employed to superintend the said Market Places, or any of them, or to keep Order therein, whilst in the Exercise of his Duty, every Person offending in any of such Cases shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

Penalty for
refusing to
weigh Arti-
cles sold in
the Market.

CCXXXV. And be it enacted, That every Person selling any Meat or other Articles or Things in any Market Place to be made under this Act, by Weight or Measure, shall weigh or measure the same by the Weights, Measures, or Scales to be provided in pursuance of this Act upon being required so to do by the Buyer of the same; and if any Seller of any such Meat, Articles, or Things shall refuse or neglect to weigh or measure the same in manner aforesaid when so required he shall be liable to any Penalty not exceeding the Sum of Forty Shillings.

Waggons to
be weighed
at the Com-
missioners
Machines.

CCXXXVI. And be it enacted, That the Driver of every Waggon, Cart, or other Carriage loaded with any Coals, Corn, Seed, or Goods brought into the said Township to be sold therein, shall, at the Request of the Buyer or Seller of any such Coals, Corn, Seed, or Goods, or the Person on whose Behalf the same shall be consigned, or their respective Agents, take such Waggon, Cart, or Carriage, with or without the Loading thereof, to be weighed at one of the Machines so to be erected and fixed as aforesaid, if any such there shall be; and if any such Waggon, Cart, or Carriage shall for the Purposes aforesaid be required to go a greater Distance from the regular Course of the Road by which it would be otherwise necessary to pass in conveying the Goods laden in the same than
Half

Half a Mile, including the going to and returning from any such Machine, the Owner of such Waggon, Cart, or Carriage shall be paid Two-pence for every Horse which shall be used in drawing the same, and a like Sum for every additional Half Mile that any such Waggon, Cart, or Carriage shall be taken out of the regular Road for the Purpose aforesaid; and all such Charges shall be paid by the Person requiring the same to be weighed as aforesaid, before the Driver of such Waggon, Cart, or Carriage shall be obliged to go out of his Way for the Purpose of having the same weighed.

CCXXXVII. And be it enacted, That if the Person having the Care of any such Waggon, Cart, or Carriage shall not, upon being so requested as aforesaid, and being paid such Charges as aforesaid, if demanded, take the same to such Weighing Machine as is hereinbefore so directed, or shall refuse or neglect to assist in the weighing of the same, he shall forfeit to the Person requiring such Waggon, Cart, or Carriage to be weighed any Sum of Money by way of Penalty not exceeding Twenty Shillings; and the Party entitled to such Penalty shall be deemed a competent Witness for the Proof of such Offence.

Penalty for refusing to weigh Waggon, &c.

CCXXXVIII. And be it enacted, That every Owner or Driver of any such Waggon, Cart, or Carriage weighed at any Weighing Machine to be provided in pursuance of this Act, who shall commit any of the following Offences, shall be liable to a Penalty not exceeding Five Pounds for each Offence; (that is to say,)

Penalties on Drivers committing Frauds in weighing Waggon, &c.

Every Owner or Driver who shall, at or before the Time of weighing any such Waggon, Cart, or Carriage, place or knowingly have any Matter or Thing in or about the same other than the proper Loading thereof:

Every such Owner or Driver who shall alter any Ticket denoting the Weight of any such Waggon, Cart, or Carriage, or of the Loading of the same:

Every such Owner or Driver who shall make or use, or be privy to the making or using, any false or fraudulent Ticket respecting the Weight of any such Waggon, Cart, or Carriage, or the Loading thereof:

Every such Owner or Driver who, after the weighing of any such Waggon, Cart, or Carriage, with the Loading of the same, shall remove any Part of such Loading, and afterwards dispose of or attempt to dispose of the Residue of such Loading as being the full Loading denoted by such Ticket:

Every Owner or Driver of any such Waggon, Cart, or Carriage who shall, after the same and the Loading thereof have been so weighed, change the Wheels thereof, or place thereon lighter Wheels, or make any Alteration or do any other Act to such Waggon, Cart, or Carriage before the same shall be brought back to the Machine to be again weighed without the Loading thereof:

Every such Owner or Driver who, when any such Waggon, Cart, or Carriage shall have been weighed with the Loading thereof at any such Machine as aforesaid, shall not bring back the same without Alteration to be again weighed at the same Machine:

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Every

Every such Owner or Driver who shall be guilty of any other fraudulent Contrivance touching the Weight of any such Waggon, Cart, or other Carriage, or of the Loading thereof.

Penalty on Purchaser committing Fraud in weighing.

CCXXXIX. And be it enacted, That if the Purchaser of any Coals, Corn, Seed, or Goods or Merchandize, conveyed in any Waggon, Cart, or Carriage to or within the said Township, shall, after such Waggon, Cart, or Carriage, with the Loading thereof, shall have been weighed at any Machine within the said Township provided in pursuance of this Act, and before the same shall be brought back to be re-weighed without the Loading thereof, change the Wheels thereof, and put on heavier Wheels, or make any Alteration in such Waggon, Cart, or Carriage whereby the same may become heavier, every Person so offending shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Penalties for Frauds committed by the Machine Keeper.

CCXL. And be it enacted, That the Person for the Time being appointed to keep any such Weighing Machine shall forfeit any Sum not exceeding Five Pounds in any of the following Cases; (that is to say,)

If he shall wilfully neglect, on Application, duly to weigh any Waggon, Cart, or Carriage, with or without Loading, as the Case may be, that shall come to the Machine kept by him to be weighed :

If he shall not fairly weigh every such Waggon, Cart, or Carriage, with or without Loading, as the Case may be :

If he shall not deliver to the Purchaser of any such Loading, or any Person interested therein, on Application, a Ticket or Account containing the true Weight of such Loading :

If he shall give to the Driver of any such Waggon, Cart, or Carriage a false Ticket or Account of the Weight of such Waggon, Cart, or Carriage, or the Loading thereof :

If he shall weigh any Waggon, Cart, or Carriage, knowing that any thing had been added to the Loading thereof so as to increase the Weight of the same, or that the Wheels thereof had been changed between the Time of the same being weighed with its Loading and the Time of its coming back to be again weighed without its Loading, and shall not give immediate Notice thereof to the Person interested therein :

If he shall knowingly assist in or connive at any Fraud to be committed or attempted concerning the weighing of any such Waggon, Cart, or Carriage, or the Loading thereof, or shall make or connive at making any false Representation of the Weight of the same respectively.

Penalty on other Parties committing Fraud as to weighing.

CCXLI. And be it enacted, That if any Person shall knowingly act or assist in the committing of any Fraud respecting the weighing or Weight of any such Waggon, Cart, or Carriage, or the Loading thereof, which shall be weighed or brought to be weighed at any such Machine, or which shall be alleged to have been weighed at any such Machine, he shall for every such Offence forfeit any Sum not exceeding Five Pounds.

CCXLII. And

CCXLII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to demise and let the said Market Places, Market Houses, Slaughter-houses, Weighing Houses or Places, and Machines, or any of them, or any Part of them, or the said Stallages, Rents, or Tolls, or any of them, for any Period not exceeding Three Years, upon such Terms as shall be agreed upon between the Commissioners and the Person to whom such Lease shall be made.

Power to lease the Markets, &c. for Three Years.

CCXLIII. And be it enacted, That it shall be lawful for the Commissioners to let any of the Stalls, Standing Places, Shambles, Benches, or other Conveniences in the said Market Places and Market Houses to any Person for any Term not exceeding Three Years.

Power to lease Standings in the Markets.

CCXLIV. And be it enacted, That it shall be lawful for the Lessee of any such Stall, Standing Place, or other Convenience, his Executors, Administrators, and Assigns, with Consent of the Commissioners, to assign the same for the Residue of his Term.

Power to assign Lease of Standings.

CCXLV. And be it enacted, That, until the Commissioners shall make Order to the contrary, the Markets which have usually been and are now held in the present Market Place, and in several Streets of the said Town of *Blackburn*, shall continue to be held in the same Places on *Wednesday* and *Saturday* in every Week; and until the Expiration of Three Months from the passing of this Act, or only until new Bye Laws are made and confirmed in pursuance of this Act, in case any shall be so made and confirmed before the Expiration of such Three Months, the Rules, Regulations, Orders, and Bye Laws in force at the Time of the Commencement of this Act respecting the Use and Government of such Markets, and the Penalties and Forfeitures attaching to the Breach of such Rules, Regulations, Orders, and Bye Laws, shall continue in force; and the Market for the Sale of Cows, Beasts, Horses, Pigs, and Sheep, usually held on a Tract of Land belonging to the Lords of the said Manor called *Blakey Moor*, shall continue to be held there, free from the Payment of any Toll to the Commissioners, and subject to the Payment by the Commissioners to the Lord or Lords of the said Manor, for the Use of the said Tract of Land, of such yearly Acknowledgment as hath been or shall be agreed upon between them.

Markets to be held on Wednesdays and Saturdays.

CCXLVI. And be it enacted, That it shall be lawful for the Commissioners to establish and hold Markets on such other Days or Day or as often as shall appear necessary for the Convenience and Accommodation of the Inhabitants of the said Township of *Blackburn*, and of all Persons resorting thereto, in such Part or Parts of the said Township in which the same hath or have usually been held, or in such other Place or Places as shall by the Commissioners be deemed more convenient, and as shall be approved of by the Lord or Lords for the Time being of the said Manor.

Commissioners may establish other Markets and Market Days.

CCXLVII. Provided always, and be it enacted, That the said Tract of Land called *Blakey Moor* shall not be used as a Market Place, except as aforesaid, unless the Lords for the Time being of the said Manor, and their Tenants the Commissioners, shall otherwise jointly agree

Blakey Moor to be used as a Market Place until discontinued.

agree and determine; and the same shall be so used, subject to the Right of the Lords in the meantime to let or use the said Tract of Land for any other Purpose, leaving sufficient Space for the Sale of Cows, Beasts, Horses, Pigs, and Sheep thereon on Market Days as aforesaid.

Regulation
of Markets
by Bye Laws.

CCXLVIII. And be it enacted, That for the better Regulation of the said Markets it shall be lawful for the Commissioners from Time to Time to make such Bye Laws as they shall think fit for all or any of the following Purposes; (that is to say,)

For directing the particular Times at which the Markets shall open and close, and either for the Sale generally of every Description of Goods, Wares and Commodities, and Cattle, and for all Persons whomsoever, or partially so as to admit certain Descriptions of Goods, Wares, Commodities, Cattle, and Persons at one Time, to the Exclusion of other Descriptions, at the Discretion of the Commissioners:

For directing what particular Street or Place shall be used for the Exhibition of live Cattle, Horses, Sheep, Pigs, and other Animals exposed for Sale, and whether, and how, and in what Manner, such Animals shall be confined, placed, and kept, and if in Pens or otherwise:

For directing the Manner of occupying and using the Markets, Market Places, Slaughter-houses, and Weighing Machines, and regulating the Conduct of the Persons resorting thereto:

For providing for the lighting and cleansing of the Market Places:

For regulating the Conduct of the Officers and Servants of the Commissioners in the Markets and Market Places:

For regulating the Carriers in the Markets, and fixing the Rates for carrying all Articles carried therefrom:

For regulating the Use of all Weights and Measures in the Markets according to the legal Standard, and providing for the Sale of all Provisions and other Things therein by such Weights and Measures, and for preventing the Use of false or defective Weights and Measures:

For preventing unwholesome Provisions being sold or exposed for Sale within the Limits of this Act:

For regulating the placing and Continuance of Waggon, Carts, and Carriages in the Approaches or Avenues to any Market Place or Market House:

For preventing Horses and Carriages travelling or going through the Market Places, or remaining there, or other Nuisances or Obstructions therein, or in the Approaches to the same, or in any Street within the Limits of this Act.

Commis-
sioners may
alter Bye
Laws.

CCXLIX. And be it enacted, That it shall be lawful for the Commissioners, from Time to Time as they shall think fit, to alter, amend, or repeal any Bye Laws made by them in pursuance of this Act, and to make others in their Stead, provided such Bye Laws be not repugnant to the Laws of *England* or the Provisions of this Act, and be signed by Five of the Commissioners, and that the same, except only such as relate to the Commissioners, their Officers and Servants, be printed and published as herein-after mentioned.

CCL. And be it enacted, That it shall be lawful for the Commissioners, by the Bye Laws so to be made by them, to impose such reasonable Penalties for enforcing the better Observance thereof as they shall think fit, not exceeding Forty Shillings for any One Offence: Provided always, that such Bye Laws shall be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the Whole or any Part of such Penalty to be recovered.

Penalty for enforcing Bye Laws.

CCLI. And be it enacted, That any Person who shall, in any Market Place to be made under the Authority of this Act, use or have in his Possession any illegal or false Weight or Weights, shall forfeit a Sum not exceeding Forty Shillings for every such Offence; and it shall be lawful for any Inspector of Weights and Measures to be appointed by the Commissioners to seize and destroy such illegal Weights and Measures.

Penalty for having false Weights, &c.

CCLII. And be it enacted, That if any Person shall sell, or expose or offer for Sale, any unwholesome Meat, Fish, or Provisions within the Limits of this Act, he shall forfeit any Sum not exceeding Five Pounds for every such Offence; and it shall be lawful for any Inspector of Provisions in such Market appointed by the Commissioners to seize and destroy such unwholesome Meat, Fish, or Provisions.

Penalty for exposing unwholesome Meat.

CCLIII. And be it enacted, That any Person who shall spoil, deface, or injure any Part of any such Market Place, or the Buildings, Fences, Stalls, or Standings thereof, or shall in any such Market Place cause any Obstructions or commit any Damage or Injury, shall forfeit for every such Offence any Sum not exceeding Five Pounds, and shall also pay such Sum of Money as the Justices before whom the Conviction for such Penalty shall take place shall think a reasonable Satisfaction for the Injury done by such Person.

Penalty and Damages for Nuisances in the Market Places.

CCLIV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to license such Number of Hackney Coaches or Carriages of any Kind or Description to ply for Hire within the Limits of this Act as they shall think fit.

Hackney Coaches to be licensed.

CCLV. And be it enacted, That every Licence so to be granted shall be signed by Three or more of the Commissioners, and shall express the Number of the Hackney Coach or Carriage, and shall not include more than One Carriage so licensed, and shall be in force for One Year only from the Day of the Date of such Licence, or until the next general licensing Meeting, in case any such general licensing Day shall be appointed by the Commissioners, as they are hereby authorized to do.

Licence to be in force for One Year.

CCLVI. And be it enacted, That every Licence shall be made out by the Clerk of the Commissioners, and duly entered in a Book to be provided by him for that Purpose, with the Christian and Surname and Place of Residence of the Person whose Coach or Carriage shall be licensed, and the Number of the Licence; and in such

Licences to be registered.

Book shall be contained Columns or Places for Entries to be made of every Offence committed by any Owner, Driver, or Person attending such Coach or Carriage.

Fee on
Licence.

CCLVII. And be it enacted, That for every such Licence there shall be paid to the Clerk of the Commissioners the Sum of Five Shillings.

Licences may
be suspended
or revoked.

CCLVIII. And be it enacted, That any such Licence may, for the Misconduct of the Owner or Driver or Person attending such Hackney Coach or Carriage, be suspended or revoked by the Commissioners, as they shall deem right.

Penalty for
plying with-
out a Licence.

CCLIX. And be it enacted, That if the Driver of any Hackney Coach or other Carriage shall be found standing or plying for Hire or using any such Coach or other Carriage within any Part of the said Township without a Licence from the Commissioners, the Owner or Driver of such Coach or other Carriage so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty for
refusing to
pay the Fare.

CCLX. And be it enacted, That if any Person shall refuse to pay, on Demand, to any Hackney Coachman or Person, the regular Fare due to him for the Hire or Service of any licensed Hackney Coach or Carriage, he shall be liable to a Penalty not exceeding Forty Shillings.

Penalty for
damaging
the Coach.

CCLXI. And be it enacted, That if any Person shall cut, break, or injure any such Coach or Carriage, such Person shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and shall also pay to the Owner of such Hackney Coach or Carriage reasonable Satisfaction for the Damage sustained by the same; and such Satisfaction shall be ascertained by the Justices before whom the Conviction of the Penalty takes place, and shall be recovered by the same Means as the Penalty.

Bye Laws for
regulating
the Hackney
Coaches.

CCLXII. And be it enacted, That for better regulating the Hackney Coaches or other Carriages to be so licensed as aforesaid, it shall be lawful for the Commissioners from Time to Time to make such Bye Laws as they shall think fit, and for all or any of the following Purposes; (that is to say,)

For regulating the Conduct of the Owners and Drivers thereof respectively in their several Employments:

For regulating the Hours within which they may exercise their Calling:

For regulating the Numbers of such Hackney Coaches or other Carriages:

For regulating the Number of Persons to be carried by such Coaches or other Carriages, and what Number of Horses or other Animals are to draw the same:

For fixing and altering the Stands of such Coaches or other Carriages, and the Distance to which such Hackney Coachmen or Persons attending the Carriages shall be obliged to drive, not exceeding

exceeding Five Miles from the Centre of the present Market Place :

For fixing the Rates or Fares to be paid for such Hackney Coaches :

For punishing the Misconduct of Hackney Coachmen and Persons attending such Carriages, whether in the way of Imposition by demanding or receiving more than the regular Fare, or otherwise.

CCLXIII. And be it enacted, That no Bye Law (except such as may relate solely to the Officers or Servants of the Commissioners) shall come into operation until the same shall be allowed by the Court of Quarter Sessions of the County Palatine of *Lancaster*; and it shall be incumbent on the said Court, on the Request of the Commissioners, to examine into the Bye Laws which may be tendered to them for that Purpose, and to allow of or disallow the same, as to them may seem meet: Provided always, that no such Bye Laws shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers of the County of *Lancaster* One Month at least before the hearing of such Application; and any Party aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the Commissioners Ten Days before the Hearing of, such Application, may, by himself, his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard upon the same Matter of Objection.

Bye Laws to be confirmed.

CCLXIV. Provided always, and be it enacted, That for One Month at least prior to any such Application for Confirmation of such Bye Laws a Copy of such proposed Bye Laws shall be kept at the principal Office of the Commissioners; and it shall be lawful for all Persons at all reasonable Times to inspect such Copy without Fee or Reward, and to be furnished by the Commissioners with a Copy thereof, or of any Part thereof, on Payment of Sixpence for every One hundred Words so to be copied.

A Copy of the proposed Bye Laws to be open for Inspection previous to Confirmation.

CCLXV. And be it enacted, That a Copy of every such Bye Law shall be painted on Boards and affixed in the Office of the Clerk of the Commissioners; and such Boards shall be renewed from Time to Time, and shall be open to Inspection without Fee or Reward; and in case the said Clerk shall not permit the same to be inspected at all reasonable Times he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Publication of Bye Laws.

CCLXVI. And be it enacted, That such Bye Laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Persons acting under the same.

Bye Laws to be binding on all Parties.

CCLXVII. And be it enacted, That the Production of a written or printed Copy of the Bye Laws, authenticated by the Signature of the Chairman of the Court which shall have approved of the same, shall be Evidence of the Existence and due making of such Bye Laws

Proof of making Publication of Bye Laws.

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in all Cases of Prosecution under the same, without adducing Proof of such Signature ; and with respect to the Proof of the Publication of any such Bye Laws it shall be sufficient to prove that a painted Board, containing a Copy thereof, was affixed and continued in manner by this Act directed, and in case of its afterwards being displaced or damaged, that such Board was replaced or restored as soon as conveniently might be, unless Proof be adduced by the Party complained against that such painted Board did not contain a Copy of such Bye Laws, or was not duly affixed or generally continued as directed by this Act.

Penalty for
damaging
Boards used
for Publica-
tion of Bye
Laws.

CCLXVIII. And be it enacted, That if any Person shall pull down or destroy, damage or deface, any Board fixed in any Office in pursuance of this Act for the Publication of the Bye Laws of the Commissioners, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds ; and every Person doing any such Damage shall also be liable to pay for or make good all Damage done, and the Expences occasioned thereby.

Power to
erect a Town
Hall, Sessions
House, &c.

CCLXIX. And be it enacted, That it shall be lawful for the Commissioners to erect, on any Land to be purchased by them, a Town Hall and Sessions House, and Buildings for public Offices, for the following Purposes ; (that is to say,) for holding Meetings of the Magistrates and of the Commissioners, and transacting their Business in the Execution of this Act, and also such public Meetings as the Commissioners shall direct or allow to be held therein ; also for the Residence and Stations of Constables and other Officers under this Act ; also for a Prison, and Watch-houses, Lock-up Houses, and other Conveniences, and to maintain and repair the same.

Offices may
be furnished,
&c.

CCLXX. And be it enacted, That it shall be lawful for the Commissioners to furnish and fit up such Town Hall, Sessions House, Buildings, and Offices, and to employ proper Persons to take care thereof.

Buildings
may be
rented.

CCLXXI. And be it enacted, That it shall be lawful for the Commissioners to hire or take on Lease any Buildings or Lands within the Limits of this Act, for any of the Purposes thereof, from any Person willing to let the same, and to convert or use such Buildings for any such Purposes.

Appointment
of Constables.

CCLXXII. And be it enacted, That the Commissioners shall from Time to Time appoint and employ such Number of Constables and other Officers as they shall judge necessary for the proper Protection of the Inhabitants and Property within the Limits of this Act, and shall allow them such Salaries or Wages as they think proper ; and it shall be lawful for the Commissioners from Time to Time to remove any such Constables and Officers as they shall think fit : Provided, that nothing herein contained shall prevent the Lords of the said Manor from appointing, as they have heretofore been accustomed to do, the Constable of the said Township.

Constables to
be sworn in.

CCLXXIII. And be it enacted, That it shall be lawful for any Justice to swear in as Constables any Persons so appointed and employed ; and the Constables and Officers so sworn in shall have, not only

only within the Limits of this Act, but within Three Miles thereof, the like Powers, and shall be entitled to the same Protection, and be subject to the like Penalties and Forfeitures, as any Constables have or are subject to by the Law of *England*.

CCLXXIV. And be it enacted, That it shall be lawful for any Two Justices to dismiss or suspend for Neglect of Duty any Constable or Officer appointed under this Act; and no Person so suspended or dismissed shall be re-appointed, except with the Consent of Two Justices, and when any Person shall be so dismissed or suspended all Powers vested in him as a Constable shall cease or be suspended.

Power to
Two Justices
to dismiss
Constables.

CCLXXV. And be it enacted, That it shall be lawful for the Commissioners to make such Rules and Orders as they shall think fit for regulating the Conduct of the said Constables and Officers; and if any such Constable or other Officer shall not faithfully observe and perform such Rules and Orders he shall forfeit for every such Offence any Sum not exceeding Forty Shillings, and if the Commissioners shall think proper shall also be immediately discharged from his Office or Employment.

Commission-
ers may make
Regulations
to be observ-
ed by their
Officers
under a
Penalty.

CCLXXVI. And be it enacted, That such Constables and Officers shall keep Watch and Ward within the Limits of this Act, and shall use their utmost Endeavours to prevent any Mischief by Fire, and all Felonies, Misdemeanors, and Breaches of the Peace, and it shall be lawful for them to arrest and detain in some convenient Place of Security within the Limits of this Act, to be provided by the Commissioners for that Purpose, all Felons, and all loose, idle, and disorderly Persons whom they shall find disturbing the public Peace, and whom they shall have good Reason to suspect of having committed or being about to commit any Felony, Misdemeanor, or Breach of the Peace, and all Persons whom they shall find between Sunset and the Hour of Eight in the Morning loitering in any Street, and not giving a satisfactory Account of themselves; and the Persons so arrested shall be taken as soon as conveniently may be before some Justice, to be examined and dealt with according to Law: Provided always, that no Person so arrested shall be detained in Custody by any Constable or other Officer longer than Twenty-four Hours.

Duties of
Constables.

CCLXXVII. And be it enacted, That every such Constable or other Officer as aforesaid who shall be guilty of any Neglect or Violation of his Duty as a Constable shall be liable to a Penalty of not less than Five Pounds, or, in the Discretion of the Justice before whom he may be convicted, may lawfully be imprisoned, with or without hard Labour, for any Time not exceeding One Month,

Penalty for
Neglect of
Duty.

CCLXXVIII. And be it enacted, That whenever any Person charged with any Offence not amounting to a Felony, and of which he shall be liable to be summarily convicted before a Justice, shall be without the Warrant of a Justice in the Custody of any Officer of the Commissioners, who shall have been sworn in as a Constable as aforesaid, it shall be lawful for such Officer, if he shall deem it prudent so

Power to
Constables
to take Re-
cognizances.

[*Local.*]

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to

to do, to take the Recognizance of such Person, with or without Sureties, conditioned as herein-after mentioned.

Form of Recognizance.

CCLXXIX. And be it enacted, That every Recognizance so taken shall be taken without Fee or Reward, and shall be conditioned for the Appearance of the Person thereby bound before a Justice at a certain Day not later than Seven Days from the Date of such Recognizance, and the Time and Place of such Appearance shall be specified in the Recognizance.

Recognizances to be registered and returned to the Justice.

CCLXXX. And be it enacted, That the Officer taking any such Recognizance shall enter in a Book to be kept for that Purpose the Name, Residence, and Occupation of the Party and his Sureties, if any, entering into such Recognizance, together with the Condition thereof, and the Sum thereby acknowledged, and shall return every such Recognizance to the Justice at the Time and Place when and where the Party is bound to appear, and every such Recognizance shall have the like Force and Effect as if the same had been taken before a Justice.

Rewards to Constables.

CCLXXXI. And be it enacted, That it shall be lawful for the Commissioners to allow to any such Constable or Officer such Gratuities and Rewards for apprehending Felons and other Offenders as to them shall seem proper, and to defray the Expence of prosecuting any Felons or Offenders, and of defending any such Constable or Officer in the Execution of his Duty, and to give such Rewards or Compensation to any such Constable or Officer as may be disabled in the Execution of his Duty, or worn out by Length of Service, as the Commissioners shall think reasonable.

Penalty on Persons assaulting Constables.

CCLXXXII. And be it enacted, That every Person who shall assault or resist any such Constable or Officer in the Execution of his Duty, or who shall aid or incite any Person so to assault or resist, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or, in the Discretion of the Justice before whom he is convicted, may be imprisoned for any Term not exceeding Three Months, with or without hard Labour.

Penalty on Victuallers harbouring Watchmen during the Time of Duty.

CCLXXXIII. And be it enacted, That if any Victualler or Keeper of any Public House, or Person licensed to sell Beer, Ale, Porter, Cider, or Perry, shall knowingly harbour or entertain, or suffer to remain, in his Public House or Place wherein he shall carry on his Business, any Watchman or Officer during any Part of the Time appointed for his being on Duty (unless such Watchman or Officer shall be there for the Purpose of quelling any Disturbance, or restoring Order or Peace in such House), such Victualler, Public House Keeper, or licensed Person so offending shall, on Conviction, forfeit for every such Offence a Sum not exceeding Twenty Shillings, together with the Costs of the Conviction.

Penalty on Coffee-shop Keepers harbouring

CCLXXXIV. And be it enacted, That every Person having or keeping a House, Shop, Room, Cellar, or Vault within the Limits of this Act, wherein ready-made Tea or Coffee or Refreshments, or Provisions

Provisions of any Kind, shall be drunk, used, or consumed (whether the same shall be kept or retailed therein, or brought or procured elsewhere), who shall knowingly permit or suffer common Prostitutes, reputed Thieves, or drunken or idle and disorderly Persons to assemble at and continue in his House, Shop, Room, Cellar, or Vault, or to play at any Game with Cards or Dice therein, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

disorderly
Persons.

CCLXXXV. And be it enacted, That it shall be lawful for all Constables and Officers of Police appointed under this Act, at all Times, to enter into any House, Shop, Room, Cellar, or Vault within the Limits of this Act, where ready-made Tea or Coffee, or Refreshments or Provisions of any Kind, shall be so drunk, used, or consumed as aforesaid, the Owner or Keeper of which House, Shop, Room, Cellar, or Vault shall, within Twelve Months previous to such Entry, have been convicted of knowingly permitting or suffering common Prostitutes, reputed Thieves, or drunken or idle or disorderly Persons to assemble at the same and continue therein, or to play therein at any Game with Cards or Dice; and if any Person having or keeping any such House, Shop, Room, Cellar, or Vault, or any Servant or other Person in his Employ or by his Direction, shall in such Case refuse to admit, or shall not on Application admit, such Constable or Officer into such House, Shop, Room, Cellar, or Vault, or upon such Premises, every Person so offending shall for every Offence forfeit a Sum not exceeding Forty Shillings.

Houses of
convicted
Coffee-shop
Keepers to be
open to the
Police at all
Times.

CCLXXXVI. And be it enacted, That the Surveyor or other Officer of the Commissioners shall, upon any Complaint made to him by any Inhabitant of the said Township of any Nuisance, Annoyance, Obstruction, and other Offence committed or suffered within the Limits of this Act, contrary to the Provisions thereof, examine into the same, and may prosecute the Offender for the same, according to the Provisions of this Act; and if any Surveyor shall wilfully neglect or refuse to examine into any such Nuisance, Annoyance, Obstruction, or other Offence, after any such Complaint made to him as aforesaid, or shall neglect or refuse to prosecute any such Offender as aforesaid, when there shall be just Cause for prosecuting such Offender, such Surveyor shall forfeit for every such Refusal or Neglect the Penalty of Five Pounds.

The Survey-
or, upon
Complaint, to
prosecute for
Offences
under this
Act.

CCLXXXVII. And in order to raise Money for carrying the several Purposes of this Act into execution, be it enacted, That it shall be lawful for the Commissioners, once in every Year after the passing of this Act, to be computed from the passing thereof, or oftener if they shall think it necessary, to make One or more equal Rate or Rates, to be signed by the Commissioners, upon the Occupiers of all Houses, Shops, Warehouses, Foundries, Furnaces, Mills, Factories, Breweries, Coach-houses, Stables, Cellars, Vaults, Buildings, Timber Yards, Coal Yards, Coal Wharfs, and other Yards and Wharfs, Railways, Land covered with Water, Canals, and Towing Paths, Orchards, Gardens, Lands, Tenements, and Hereditaments within the Limits of this Act, (save and except as herein-after mentioned,) according to the annual Value of the same, so as such Rates

Power to
levy Rates.

or

or Assessments do not exceed in any One Year the Sum of Two Shillings and Sixpence in the Pound on such annual Value, except as is next herein-after provided.

Rates may be continued in force longer than a Year.

CCLXXXVIII. And be it enacted, That it shall not be incumbent on the Commissioners to make a new Rate or Assessment every Year, but they may at any Time order that the then Rate or Assessment last made shall continue in force; and the same shall accordingly, with such Additions or Alterations as the Commissioners shall think necessary, continue in force until a new Rate or Assessment shall be made.

Annual Rate may be increased by Consent of a General Meeting of Rate-payers.

CCLXXXIX. And be it enacted, That if it shall at any Time appear that the said Sum of Two Shillings and Sixpence in the Pound is not sufficient for the Purposes aforesaid, it shall be lawful for the Commissioners, with the Consent of the Majority of Rate-payers assembled at the annual Meeting for the Settlement of Accounts, to increase the Rates, so as the same do not in any One Year exceed the Sum of Three Shillings in the Pound on such annual Value as aforesaid: Provided always, that Notice of the Intention of the Commissioners to make any such Increase shall be given by them One Month previous to such annual Meeting, by Advertisement in some Newspaper printed or circulated within the Limits of this Act.

Arable Lands, &c. to be rated at Two Thirds only.

CCXC. And be it enacted, That all Lands used as Arable, Meadow, or Pasture Grounds only, or as Woodlands or Plantations, shall be rated or assessed in the Proportion of Two Thirds only of the Sums to be rated or assessed on the other Properties to be charged in each such Rate or Assessment.

Rates to be vested in the Commissioners.

CCXCI. And be it enacted, That the several Rates made under this Act shall be vested in the Commissioners, and shall be payable at such Times as they shall direct to the Collectors to be appointed by them.

Charities, Churches, and Tithes not to be rated.

CCXCII. And be it enacted, That no Person shall be rated in pursuance of this Act on account of any Houses, Buildings, or other Hereditaments which are or shall be occupied for the Purposes of public Charities, or on account of any Church, Chapel, or other Building used for the Purpose of Divine Worship, or on account of any Tithes or Composition in lieu of Tithes, within the Limits of this Act.

Value of Property to be according to the Assessment for the Poor Rate.

CCXCIII. And be it enacted, That the annual Value of all Property rateable under this Act shall be ascertained according to the next preceding annual Assessment for the Relief of the Poor within the Limits of this Act, except in such Cases as are herein-after mentioned.

Poor Rates to be open to Inspection by Commissioners.

CCXCIV. And be it enacted, That it shall be lawful for the Commissioners, or for any Person by them authorized, from Time to Time to inspect the several Poor Rates for the Township of *Blackburn* aforesaid

said, and the Valuations and Assessments by which the same are made, and to take Copies of or Extracts therefrom respectively; and if any Person having the Custody of such Rates or Valuations and Assessments shall not suffer the Commissioners, or any Person authorized by them, to inspect the same, or take Copies thereof or Extracts therefrom, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence.

CCXCV. Provided always, and be it enacted, That if at any Time the Rate for the Relief of the Poor within the Limits of this Act shall, in the Judgment of the Commissioners, be an unfair Criterion by which the Rates or Assessments under this Act should be made, it shall be lawful for them to cause a Valuation to be made of all the rateable Property within the Limits of this Act, by some competent Person to be appointed by them for that Purpose, and the Rates or Assessments to be made by the Commissioners for the Purposes of this Act shall be made upon such Valuation.

If Poor Rate an unfair Criterion a Valuation to be made.

CCXCVI. And be it enacted, That before any such Valuation shall be made the Person appointed to make such Valuation shall make and subscribe a solemn Declaration to make such Valuation fairly and impartially, according to the best of his Judgment, and an Entry or Minute shall be made in the Book of Proceedings of the Commissioners of the making and subscribing of such Declaration, and of the Date of making the same; and any Justice to whom Application may be made for that Purpose is hereby required to administer such Declaration.

Valuer to make a Declaration.

CCXCVII. And be it enacted, That in every such Valuation the Property rateable under this Act shall be computed at its net annual Value.

Net annual Value.

CCXCVIII. And be it enacted, That the Books of Rates of the Commissioners, and all Entries made therein, in manner by this Act directed, shall be received as Evidence of the Rates imposed by virtue of this Act; and all such Books may be inspected by any Person rated, or being a Creditor on such Rates; and every Clerk or Person having the Custody thereof shall permit any Person rated by virtue of this Act, or any Creditor on any of the said Rates or Assessments, to inspect the same, or to take Copies thereof, at all seasonable Times, upon Payment of One Shilling; and such Clerk or Person shall within Ten Days after Demand deliver a true Copy of such Rates or Assessments, or any of them, or any Portion thereof, to any Person rated as aforesaid, or any such Creditor on the said Rates, having been first paid for the making of such Copy after the Rate of Sixpence for every One hundred Words.

Rate-books to be Evidence.

CCXCIX. And be it enacted, That it shall be lawful for the Commissioners, on the Application of any Person thinking himself aggrieved, or otherwise, from Time to Time, to amend any Rate made by virtue of this Act, by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing

Rates may be amended.

the Sum at which any Person shall have been rated, if it shall appear to them that such Person has been under-rated or over-rated, or by making such other Amendments therein as will make such Rate conformable to this Act, and no such Amendment shall be held to avoid the Rate: Provided always, that every Person who shall be aggrieved by any such Alteration or by such Application as aforesaid, and who shall not be attended to by the Commissioners at the Meeting of the Commissioners when such Application shall be made, or at the then next succeeding Meeting, shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate, and no such Alteration or Application had been made; and every Person whose Rate shall be altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable by him.

Occupiers
may be rated
if they
think fit.

CCC. Provided always, and be it enacted, That it shall be lawful for the Occupiers of any rateable Property to demand to be assessed for the same, and to pay the Rates in respect thereof made under the Authority of this Act; and the Commissioners shall assess every such Occupier so long as he shall duly pay the said Rates.

Rates may be
recovered by
Action or by
Distress.

CCCI. And be it enacted, That if any Person rated under the Authority of this Act shall not pay any of the said Rates due from him for the Space of Fourteen Days after Demand thereof in Writing by the Commissioners or their Collector, it shall be lawful for the Commissioners to recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*, or any Justice shall, on the Application of the Commissioners or their Collector, summon any such Person to appear before him at a Time to be mentioned in the Summons, to show cause why the Rates due from him should not be paid; and in case such Person shall not attend at the Time mentioned in the Summons, or no sufficient Cause for the Non-payment of such Rate shall be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Form of
Warrant of
Distress.

CCCII. And be it enacted, That the Warrant of Distress for the Nonpayment of any Rate may include One Person or several Persons, and may be to the Effect mentioned in Schedule (E.) to this Act annexed.

Constables
to assist in
making Dis-
tress.

CCCIII. And be it enacted, That in all Cases where a Distress is hereby authorized to be made, every Constable authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by a Collector of the Rates, aid in making a Distress or Sale pursuant to such Warrant; and every Constable who shall refuse to do so shall be liable to a Penalty not exceeding Five Pounds.

Power to
Commis-
sioners or
Justices to
remit Rates.

CCCIV. Provided always, and be it enacted, That it shall be lawful for the Commissioners, or any Two Justices in Petty Sessions assembled, to reduce or remit the Payment of any Rate on account of the Poverty or Sickness of any Person liable to the Payment of the Rate.

CCCV. And

CCCV. And be it enacted, That the Owners of all rateable Property within the Limits of this Act which shall be let by such Owners in separate Apartments shall be rated to and pay the Rates by this Act directed to be made, instead of the Occupiers thereof.

Owners to pay the Rates in certain Cases.

CCCVI. And be it enacted, That whenever the Name of any such Owner shall not be known to the Commissioners, or to the Person making the Rates, it shall be sufficient to rate such Owner in the Rate Book of the Commissioners as the Owner of the Property to be rated, by the Designation of "the Owner," without stating his Name.

Not necessary to name the Owner where unknown.

CCCVII. And in order to prevent any Dispute touching the Word "Owner," for the Purposes of rating under the Authority of this Act, be it enacted, That the Person receiving the Rents of any rateable Property within the Limits of this Act from the Occupier thereof, on his own Account or as Agent of any other Person, shall be deemed the "Owner" of the same for the Purposes of such rating.

Receiver of Rents to be deemed the Owner.

CCCVIII. Provided always, and be it enacted, That when any Owner shall be rated in respect of any rateable Property which shall be in the Occupation of a Tenant under any Lease or Agreement made prior to the passing of this Act, such Tenant shall repay to the Owner all Sums which shall be paid by the Owner on account of any Rates made under this Act during the Continuance of such Lease, unless it shall have been agreed that the Owner shall pay all Rates in respect of such Property.

Tenants under existing Leases to repay the Owner.

CCCIX. And be it enacted, That when the Owner of any rateable Property shall have been rated in respect thereof, and the Rate shall have been unpaid for Six Months, it shall be lawful for the Commissioners or their Collector to recover the Amount of such Rate from the Occupier of such rateable Property by the same Means as the same might have been recovered if such Occupier had been rated thereto: Provided always, that no Occupier shall be required to pay nor shall his Goods and Chattels be distrained for any further Sum than the Amount of Rent due from him at the Time when he shall have been required to pay, or of the issuing of the Warrant of Distress, unless he shall refuse to disclose the Amount of the Rent due from him on Application being made to him for that Purpose.

In default of Owner for Six Months, Occupier to pay.

CCCX. And be it enacted, That if the Amount of any Rate which, under the Provisions herein-before contained, ought to be borne by the Owner of any rateable Property, shall be paid by the Occupier of such Property, or levied on his Goods and Chattels, the Owner shall reimburse the Occupier; and it shall be lawful for such Occupier to deduct the Sums paid or levied, together with the Costs of the Distress, if any, paid by him, from the Rent due or to become due from him to such Owner.

Owner to repay the Occupier.

CCCXI. And be it enacted, That if any Person shall quit or be about to quit any rateable Property before he shall have paid the Rates

Remedy against Persons quitting Rates

before Pay-
ment of
Rates.

Rates then payable by him in respect thereof, and shall not pay the same to the Commissioners or their Collector on Demand, it shall be lawful for any Justice of the Peace having Jurisdiction where such Person may reside or his Goods be found, to summon such Person to appear before him at a Time to be mentioned in the Summons, to show Cause why the Rates should not be paid; and if no sufficient Cause for the Nonpayment of such Rates be shown accordingly, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Rates to be
apportioned
on Holder
quitting.

CCCXII. And be it enacted, That when any Rate shall have been made for a particular Period, and the Owner or Occupier who shall be rated to such Rate shall cease to be the Owner or Occupier of the Property in respect whereof he shall be rated, before the End of such Period, such Owner or Occupier shall be liable to pay a Portion only of the Rate payable for the whole of such Period proportionate to the Time during which he continued to be Owner or Occupier; and if any Person shall become the Owner or Occupier of any Property so rated as aforesaid during any Part of any Period for which any Rate shall have been made, such Person shall pay a Portion of such Rate proportioned to the Time during which he shall have held or occupied the Property so rated.

Persons
entering on
unoccupied
Property to
pay a Portion
of the Rate.

CCCXIII. And be it enacted, That if any Property rateable under this Act shall have been unoccupied at the Time of making any Rate, and any Person shall occupy such Property during any Part of the Period for which such Rate shall have been made, it shall be lawful for the Commissioners to rate such Property; and the Person occupying the same during any Part of the Period aforesaid shall pay a Portion of the said Rate proportioned to the Time during which he shall occupy such Property.

On Appeal
the Quarter
Sessions may
amend the
Rate.

CCCXIV. And be it enacted, That on all Appeals from any Rate made in pursuance of this Act it shall be lawful for the Court of Quarter Sessions either to quash the Rate or to amend such Rate, either by inserting therein or by striking out therefrom the Name of any Person, or by altering the Sum therein charged on any Person, or in any other Manner which the said Court shall think just, without quashing such Rate.

Application
of the Rates.

CCCXV. And be it enacted, That the Money which shall arise from the said Rates, and all Money for the Supply of Gas, or other Money to be received by the Commissioners under this Act, shall be applied, after Payment of the Expences of obtaining and passing this Act, in the first place, in Payment of the Interest of all Monies borrowed on Mortgage of the said Rates, and of the Annuities granted by virtue of this Act, and afterwards in defraying the Expences of paving, cleansing, watering, draining, lighting, and watching the several Streets within the Limits of this Act, and of improving the same, in providing new Market Places, erecting a Town Hall, and carrying the several Purposes of this Act into execution, and in paying off the Principal Sums borrowed on the Credit of the Rates, in such Order as the Commissioners shall direct.

CCCXVI. And be it enacted, That where any Damages or Charges are directed by this Act to be paid in addition to any Penalty for any Offence, the Amount of such Damages or Charges, in case of Non-payment thereof, or of any Dispute concerning the same, shall be determined by the Justices before whom the Offender shall be convicted of such Offence, and shall be levied by Distress, and such Justices shall issue their Warrant accordingly.

Damages to be ascertained with the Penalty.

CCCXVII. And for the Purpose of providing for the Recovery of any Compensation for any Land or for any Injury to any Land or other Property or Person, or for any Expences, Charges, Damages, or Monies which shall be payable under this Act, and for the Recovery of which no Method is herein provided, be it enacted, That in all such Cases the Amount of the Compensation, Expences, Charges, Damages, or Monies by this Act directed or authorized to be paid may, in case of Nonpayment thereof, or of any Dispute about the same, be ascertained and determined by One or more Justice or Justices, and the same, together with the Costs of the ascertaining and Recovery thereof, to be ascertained by such Justice or Justices, shall be levied by Distress, and the Justice or Justices may issue their Warrants accordingly.

Provision for Damages not otherwise provided for.

CCCXVIII. And for the Purpose of ascertaining and determining any such Compensation, Expences, Charges, or Damages, be it enacted, That any Justice of the Peace may summon any Person liable to pay the same to appear before him at a Time mentioned in such Summons, and at such Time, either on the Appearance or Default of the Party summoned to appear, to inquire into any such Compensation, Expences, Charges, or Damages, and to determine the same.

For ascertaining Compensation.

CCCXIX. And be it enacted, That where in this Act any Question of Compensation or Damages is referred to the Determination of any Justice it shall be lawful for such Justice to examine the Parties to such Question, and their Witnesses, on Oath, and to administer the Oaths necessary for that Purpose, and the Costs of every such Inquiry shall be in the Discretion of such Justice; and if either Party to any such Question fail to appear at the Time and Place appointed by the Justice for going into any such Question, without reasonable Excuse to the Satisfaction of such Justice, due Notice of such Appointment having been given to such defaulting Party, it shall be lawful for such Justice to proceed *ex parte*.

Justices to examine Parties and Witnesses.

CCCXX. And with respect to any Money under the Provisions of this Act adjudged to be paid by the Commissioners for which no other Mode of proceeding is hereby prescribed, be it enacted, That if such Money be not paid by the Commissioners to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money, the Amount shall be recovered by Distress of the Goods of the Commissioners, and if no sufficient Goods of the Commissioners can be found, by Distress of the Goods of the Treasurer of the Commissioners;

Recovery of Money from the Commissioners.

missioners; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to such Treasurer, or left at his usual Place of Abode.

Reimburse-
ment of
Treasurer.

CCCXXI. And be it enacted, That if such Treasurer pay any Money under any such Distress as aforesaid, it shall be lawful for him to retain the Amount so paid by him, and all Costs and Expences occasioned thereby, out of any Money belonging to the Commissioners coming into his Custody or Control, or to sue the Commissioners for the same in the same Manner as other Parties are by this Act enabled to sue the Commissioners.

Publication
of Penalties.

CCCXXII. And for the Purpose of providing for the due Publication of all Penalties and Forfeitures exigible under this Act or any Bye Law of the Commissioners affecting other Persons than the Commissioners, Officers, or Servants of the Commissioners, be it enacted, That from Time to Time the Commissioners shall publish the short Particulars of the several Offences for which any such Penalty is imposed by this Act, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Commissioners; and where any such Penalties are of local Application, shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same or any Part thereof is obliterated or destroyed, and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Penalties to
be summarily
recovered
before One
Justice or
more.

CCCXXIII. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, or by any Bye Law made in pursuance thereof, the Recovery of which is not otherwise provided for, be it enacted, That every such Penalty or Forfeiture may be recovered by summary Proceeding, upon Complaint made before One or more Justices; and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons; and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance, or upon the Default to appear of the Party offending, it shall be lawful for any One or more Justices to proceed to the hearing of the Complaint, and that although no Information in Writing or in Print shall have been exhibited before him or them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of One credible Witness or more, it shall be lawful for any One or more Justices to convict the Offender, and upon such Conviction to adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Costs attending the Conviction, as such Justice or Justices shall think fit.

CCCXXIV. And

CCCXXIV. And be it enacted, That if forthwith upon any such Adjudication as aforesaid, the Amount of the Penalty or Forfeiture, and of such Costs as aforesaid, be not paid, the Amount of such Penalty and Costs, together with the Costs of the Distress, shall be levied by Distress, and any One Justice shall issue his Warrant of Distress accordingly.

Penalties to be levied by Distress.

CCCXXV. And be it enacted, That it shall be lawful for the Justice to order any Offender so convicted as aforesaid to be detained and kept in safe Custody until Return can be conveniently made to the Warrant of Distress to be issued for levying such Penalty or Forfeiture and Costs, unless the Offender give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justice, for his Appearance before him on the Day appointed for such Return, such Day not being more than Eight Days from the Time of taking such Security; but if before issuing such Warrant of Distress it shall appear to the Justice, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, he may, if he thinks fit, refrain from issuing such Warrant of Distress; and in such Case, or if such Warrant shall have been issued, and upon the Return thereof such Insufficiency as aforesaid shall be made to appear to any Justice, then such Justice shall, by Warrant, cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Imprisonment in default of Distress.

CCCXXVI. And with respect to the Application of any Penalties or Forfeitures recovered by virtue of this Act the Application whereof is not herein otherwise provided for, be it enacted, That the Justice by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Commissioners, and the other Half thereof to the Informer, or any Person suing for the same; or, if the Commissioners be the offending Party, shall award one Half thereof to the Informer and the other Half to the Overseers of the Poor of the Township in which the Offence shall have been committed, for the Benefit of the Poor of such Township.

Application of Penalties.

CCCXXVII. And be it enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act for any Offence herein-before made cognizable before a Justice, unless the Complaint respecting such Offence shall have been made before such Justice within Six Months next after the Commission of such Offence.

Penalties to be sued for within Six Months.

CCCXXVIII. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction, under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act,

Penalty on Witnesses making Default.

Act, shall without reasonable Excuse refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath, or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Liability to Rates not to disqualify Witnesses or Justices.

CCCXXIX. And be it enacted, That no Person, although liable to the Payment of Money towards the Rates authorized to be raised by this Act, shall by reason thereof be deemed to be an incompetent Witness in any Proceeding before any Court or Justice by virtue of this Act; and no Justice shall be disabled from acting in the Execution of this Act by reason of his being liable to the Payment of any Money towards the Rates authorized to be raised by this Act.

Transient Offenders.

CCCXXX. And, with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Agent of the Commissioners, and all Persons called by him to his Assistance, may seize and detain any Person who shall have committed any Offence against the Provisions of this Act, and whose Name and Residence shall be unknown to such Officer or Agent, and may convey him with all convenient Despatch before some Justice without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Form of Conviction.

CCCXXXI. And be it enacted, That the Justices before whom any Person shall be convicted of any Offence against this Act may cause the Conviction to be drawn up according to the Form in the Schedule (F.) to this Act annexed.

Informalities.

CCCXXXII. And be it enacted, That no Proceeding in pursuance of this Act shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts.

Distress how to be levied.

CCCXXXIII. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, is directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money and the Expences of the Distress and Sale, shall be returned, on Demand, to the Party whose Goods shall have been distrained.

Distress not unlawful for Want of Form.

CCCXXXIV. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full

full Satisfaction for the special Damage in an Action upon the Case.

CCCXXXV. And be it enacted, That if any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Justice under the Provisions of this Act, or by any Rate or Assessment to be laid or assessed under or by virtue of this Act, or by any Matter or Thing done by the Commissioners or otherwise in the Execution of this Act, he may appeal to the General Quarter Sessions for the County in which the Cause of Appeal shall have arisen; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Order, Determination, or Adjudication, or after the Cause of Appeal shall have arisen, and unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, and unless the Appellant forthwith after such Notice enter into Recognizances with Two sufficient Sureties before a Justice conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Parties may appeal to Quarter Sessions.

CCCXXXVI. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Order, Determination, or Adjudication, and order any Money paid by the Appellant or levied by Distress upon his Goods to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Order, Determination, or Adjudication, and of the Appeal, as they may think reasonable.

Court to make such Order as they may think reasonable.

CCCXXXVII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretation Clause.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Person" shall include Corporation, whether Aggregate or Sole:

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath, in case of any other Persons exempted by Law from the Necessity of taking an Oath:

The Word "Justice" shall mean Justice of the Peace acting within the Limits of this Act:

The Word "Street" shall include any Square, Street, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place, and Market Place, within the Limits of this Act:

[*Local.*]

28 C

The

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure :

The Expression "the Commissioners" shall mean the Commissioners for the Time being acting by virtue of this Act.

Public Act.

CCCXXXVIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Mortgage Deed.

By virtue of an Act passed in the _____ Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], we, Five of the Commissioners appointed by or by virtue of the said Act, in consideration of the Sum of _____ paid to us by *A. B.*, of _____ for the Purposes of the said Act, do grant and assign unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments arising by virtue of the said Act as the said Sum of _____ doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates or Assessments, to hold to the said *A. B.*, his Executors, Administrators, and Assigns, from this Day, until the said Sum of _____ with Interest at _____ per Centum per Annum for the same, shall be fully paid and satisfied. In witness whereof we have hereunto set our Hands and Seals, this _____ Day of _____ One thousand eight hundred and _____

SCHEDULE (B.)

Form of Grant of Annuity.

By virtue of an Act passed in the _____ Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], we, being Five of the Commissioners appointed by or by virtue of the said Act, in consideration of the Sum of _____ paid to us by *A. B.*, do grant unto the said *A. B.* an Annuity or yearly Sum of _____ to be issuing out of the Rates and Assessments arising by virtue of the said Act, to be paid to the said _____ during the Term of his natural Life [*or, as the Case may be, to the said _____ his Executors, Administrators, or Assigns, during the natural Life of _____ or during the natural Lives of _____ and _____ and the Life of the Survivor*], by half-yearly Payments upon the _____ Day of _____ and the _____ Day of _____ in every Year during his natural Life, [*or,*

[*or, as the Case may be*, during the natural Life of the said
 or of the said and the
 Survivor of them], the first Payment thereof to be made
 upon the Day of next ensuing the Date hereof.
 In witness whereof we have hereunto set our Hands and Seals, the
 Day of in the Year One thousand eight hundred
 and

SCHEDULE (C.)

Form of Transfer of Mortgage or Grant of Annuity.

I *A.B.* of in consideration of the Sum of
 paid to me by *C.D.* of do hereby transfer to the said
C.D., his Executors, Administrators, and Assigns, a certain Mort-
 gage, Number [or a certain Grant of Annuity, Number
as the Case may be], made by the Commissioners for
 executing an [Title of the Act] to bearing Date the
 Day of for securing the Sum of
 and Interest [or for granting an Annuity of *as the*
Case may be; or if such Transfer be by Indorsement, the within
 Security], and all my Right, Estate, and Interest in and to the Money
 thereby secured [or the Annuity thereby granted], and in and to the
 Rates, Money, and Property thereby assigned. In witness whereof
 we have hereunto set our Hands and Seals, this Day of
 One thousand eight hundred and

SCHEDULE (D.)

Form of Conveyance.

I of in consideration of the Sum
 of paid to me [*or, as the Case may be*, into the Bank
 of England, in the Name and with the Privity of the Accountant
 General of the Court of Exchequer, ex parte "The Blackburn Im-
 provement Commissioners," or to *A.B.* of and *C.D.*
 of Two Trustees appointed to receive the same,
 pursuant to an Act passed in the Year of the
 Reign of Queen Victoria, intituled [*here insert the Title of this*
Act], by "The Blackburn Improvement Commissioners," do hereby
 convey to *E.F.* of and *G.H.* of as Trustees
 under the said Act, for the said "Blackburn Improvement Com-
 missioners," their Successors and Assigns, all [*describing the Pre-*
mises to be conveyed,] together with all Ways, Rights, and Appur-
 tenances thereto belonging, and all such Estate, Right, Title, and
 Interest in and to the same, as I am or shall become seised or pos-
 sessed of, or am by the said Act empowered to convey, to hold the
 Premises to the said *E.F.* and *G.H.*, as Trustees for the said
 "Blackburn Improvement Commissioners," their Successors and
 Assigns for ever, according to the true Intent and Meaning of the
 said Act. In witness whereof I have hereunto set my Hand and
 Seal, the Day of in the Year of our
 Lord

SCH-

SCHEDULE (E.)

Form of Warrant of Distress.

to wit. } To One of the Collectors of the Rates, under
 an Act passed in the Year of the Reign
 of Queen Victoria, intituled [*here insert the Title of this Act*],
 and to all Constables.

Whereas the under-mentioned Persons, now or late Owners or Occupiers of Premises within the have been duly rated in or are liable to the Payment of a Rate made on the Day of under the Authority of the said Act, and there are now due from them respectively the several Sums of Money against their Names herein-after respectively set down, which they have not paid, as appeareth upon Oath to me, One of Her Majesty's Justices of the Peace for the ; and the said several Persons having been duly summoned to appear before me to answer the Premises, and not having shown any sufficient Cause why such several Sums of Money should not be paid; These are therefore, in Her Majesty's Name, to require you, or any of you, forthwith to levy the said several Sums due as herein-before mentioned by Distress and Sale of the respective Goods and Chattels of the Persons aforesaid, rendering to them respectively the Overplus (if any), the reasonable Charges of such Summons, Warrant, Distress, and Sale being first deducted; and if no sufficient Distress can be had and taken, then that you certify the same to me, to the end that such further Proceedings may be had as the Law doth authorize and direct: And I do hereby strictly charge and command all and singular the Constables respectively to be aiding and assisting in all things relating to the Premises. Given under my Hand and Seal this Day of in the Year of our Lord One thousand eight hundred and

Sums due.

£ s. d.

A. B. - -
 C. D. - -

SCHEDULE (F.)

Form of Conviction.

to wit. } Be it remembered, That on the Day of
 in the Year of our Lord A. B. is convicted
 before me C. D., One of Her Majesty's Justices of the Peace for the
 County of [*here describe the Offence generally, and the
 Time, Place, when and where committed*], contrary to the Blackburn
 Improvement, Market, &c. Act, 1841. Given under my Hand and
 Seal the Day and Year first above written.

SCHE-

SCHEDULE (G.)

RENTS AND TOLLS FOR THE CORN MARKET.

	£	s.	d.
For every Stand or Standing-place, occupying in Space not more than Twelve Feet Superficial Measure on the Ground, for the exposing to Sale, by Sample or otherwise, any Corn, Grain, Seeds, Flour, Malt, Hops, Hay, Straw, or other Agricultural Produce, for each Market Day, not exceeding the Sum of - - - - -	0	1	0
And if occupying a larger Space, then for every additional Superficial Foot, not exceeding the Sum of -	0	0	1
Every Person who is a Dealer, as Buyer or Seller for Profit, in any of the Articles aforesaid, who shall attend the said Market, and shall buy or sell therein or adjacent thereto any of the Articles aforesaid, and not have any Stand or Standing-place in the said Market, to pay for each Market Day, not exceeding the Sum of - - -	0	1	0

RENTS, TOLLS, AND STALLAGES FOR THE PROVISION MARKETS.

Meat Market.

For every Butcher's Stall, for each Market Day, not exceeding the Sum of - - - - -	0	1	0
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Fish Market.

For every Fish Stall, for each Market Day, not exceeding the Sum of - - - - -	0	0	6
For every Pair of Panniers, Hampers, or other Baskets, or Things containing Fish, and measuring not more than Four Feet in Length, Three Feet and a Half in Breadth and Eighteen Inches in Depth, and occupying in Space not more than Fourteen Feet Superficial Measure on the Ground, for each Market Day, not exceeding the Sum of - - - - -	0	0	6
And if occupying a larger Space, then for every additional Superficial Foot, not exceeding the Sum of -	0	0	1
For every single Pannier, Hamper, or other Basket or Thing containing Fish, and measuring not more than Four Feet in Length, Twenty-one Inches in Breadth, and Eighteen Inches in Depth, and occupying in Space not more than Seven Feet Superficial Measure on the Ground, for each Market Day, not exceeding the Sum of -	0	0	3
And if occupying a larger Space, then for every additional Superficial Foot, not exceeding the Sum of -	0	0	1

Poultry Market.

For every Yard in Length of Bench or Table Room for the exposing to Sale Poultry, Pork, Butter, Eggs, or other Articles of Provision commonly sold in Poultry Markets, for each Market Day, not exceeding the Sum of -	0	0	4
[Local.]	28	D	For

	£	s.	d.
For every Pair of Panniers, Hampers, or other Baskets, Pens, or Things containing Poultry or other Articles aforesaid, and measuring not more than Four Feet in Length, Three Feet and a Half in Breadth, and Eighteen Inches in Depth, and occupying a Space not more than Fourteen Feet Superficial Measure on the Ground, for each Market Day not exceeding the Sum of - - -	0	0	6
And if occupying a larger Space, for every additional Superficial Foot, not exceeding the Sum of - - -	0	0	1
For every single Pannier, Hamper, or other Basket or Pen containing any of the before-mentioned Articles, and measuring not more than Four Feet in Length, Twenty-one Inches in Breadth, and Eighteen Inches in Depth, and occupying in Space not more than Seven Feet Superficial Measure, on the Ground, for each Market Day, not exceeding the Sum of - - - - -	0	0	3
If occupying a larger Space, for every additional Superficial Foot, not exceeding the Sum of - - -	0	0	1
For every Hand-basket, Hamper, or other Basket or Thing containing any of the Articles aforesaid, and measuring not more than Two Feet in Length, Fifteen Inches in Breadth, and Seven Inches in Depth, for each Market Day, not exceeding the Sum of - - - - -	0	0	1

Vegetable and Fruit Market.

For every Stall for each Market Day, not exceeding the Sum of - - - - -	0	0	4
For every Pair of Panniers, Hampers, or other Baskets containing Vegetables or Fruit, and measuring not more than Four Feet in Length, Three Feet and a Half in Breadth, and Eighteen Inches in Depth, and occupying in Space not more than Fourteen Feet Superficial Measure on the Ground, for each Market Day not exceeding the Sum of - - - - -	0	0	3
If occupying a larger Space, for every additional Superficial Foot, not exceeding the Sum of - - -	0	0	0½
For every single Pannier, Hamper, or other Basket containing Vegetables or Fruit, and measuring not more than Four Feet in Length, One Foot Nine Inches in Breadth, and Eighteen Inches in Depth, and occupying in Space not more than Seven Feet Superficial Measure on the Ground, for each Market Day, not exceeding the Sum of - - - - -	0	0	1½
If occupying a larger Space, for every additional Superficial Foot, not exceeding the Sum of - - -	0	0	0½
For every Hand-basket, Hamper, or other Basket or Thing containing Vegetables or Fruit, and measuring not more than Two Feet in Length, Fifteen Inches in Breadth, and Twelve Inches in Depth, for each Market Day, not exceeding the Sum of - - - - -	0	0	1
For every Sack or Bag (containing not more than Twelve Pecks, Winchester Measure,) of Potatoes, Carrots,			

Turnips,

Turnips, Beans, Peas, or other Vegetables or Fruit pitched in the Market, or at any Place adjacent thereto, for each Market Day, not exceeding the Sum of	£	s.	d.
	0	0	1
For every Superficial Foot of Ground used or occupied by Persons offering for Sale or selling Cabbage or other Plants, Apple Trees, or Shrubs, or for any other Purpose not herein-before provided for, for any Space of Time not exceeding One Day, any Sum not exceeding	0	0	1

OTHER GOODS EXPOSED FOR SALE.

For each and every Superficial Foot of every Stall for exposing to Sale any manufactured Goods, Wares, or Merchandize for any Space of Time not exceeding One Day, any Sum not exceeding	0	0	1
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The several Rents, Tolls, and Stallages before mentioned and specified, to be payable and paid for and in respect of the Occupation or Use of any Stall, Standing Place, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof for a Part or Portion of the Day, in case he or she shall not occupy the same the whole Day, as also by any subsequent Taker or Occupier of the same for the Residue or any other Part or Portion of the same Day.

TOLLS FOR SLAUGHTER-HOUSES.

	£	s.	d.
For every Bull, Ox, Cow, Steer, or Heifer slaughtered, not exceeding the Sum of	0	1	0
For every Calf and for every Head of Swine slaughtered, not exceeding the Sum of	0	0	6
For every Sheep or Lamb, not exceeding the Sum of	0	0	3
For every Sucking Pig, not exceeding the Sum of	0	0	2

TOLLS FOR WEIGHING AND MEASURING MEAT AND GOODS.

For every Quantity of Meat or Thing weighing not exceeding Twenty Pounds Avoirdupois, not exceeding the Sum of	0	0	0½
For every Quantity of Meat or Thing weighing more than Twenty Pounds, and not exceeding One hundred and twelve Pounds, any Sum not exceeding	0	0	1
And so in proportion for any greater or less Quantity than One hundred and twelve Pounds over and above One hundred and twelve Pounds.			
For every Quantity of Goods and Things sold by Measure, measuring not exceeding One Bushel, any Sum not exceeding the Sum of	0	0	0½
For every Quantity more than a Bushel, and not exceeding Two Bushels, any Sum not exceeding the Sum of	0	0	1
And for every Bushel beyond Two Bushels, any Sum not exceeding the Sum of	0	0	0½

TOLLS

4° & 5° VICTORIÆ, Cap. cxii.

TOLLS FOR WEIGHING WAGGONS, CARTS, AND CARRIAGES.

	£	s.	d.
For every Waggon or other Four-wheeled Carriage, with the Loading thereof, any Sum not exceeding	-	0	0 6
For every Cart or other Two-wheeled Carriage, with the Loading thereof, any Sum not exceeding	-	0	0 3

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