



ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

Cap. lxxviii.

An Act for paving, lighting, watching, cleansing, and otherwise improving the Town of *Middlesbrough* and the Neighbourhood thereof in the North Riding of the County of *York*, and for establishing a Market therein.

[21st *June* 1841.]

WHEREAS it is expedient that Powers should be granted for better paving, lighting, watching, cleansing, and otherwise improving the Streets, Lanes, public Passages and Places within the Town of *Middlesbrough* and the Neighbourhood thereof in the North Riding of the County of *York*, and for removing and preventing Encroachments, Obstructions, Nuisances, and Annoyances within the same, and for establishing a Market therein; but such Objects cannot be completely effected without the Authority of Parliament: 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 Parliament assembled, and by the Authority of the same, That *William Blenkinsop*, *Henry Bolckow*, *George Chapman*, *William Fairbridge*, *William Fallows*, *First Commissioners*,

[*Local.*] 16 M

Fallows, John Gribbin, John Gilbert Holmes, William Laws, Richard Otley, Robert Ramsey, Henry Sidney, and Isaac Sharp shall be the first Commissioners for carrying this Act into execution, and shall continue in Office until other Commissioners shall be elected in their Place in manner herein-after mentioned.

Qualification of Commissioners.

II. And be it enacted, That every Commissioner under this Act shall be either a resident Inhabitant of the said Town, rated to the Rates made for the Relief of the Poor of the Township of *Middlesbrough* or of the Township of *Linthorpe* in the annual Sum of Twenty-five Pounds or upwards, or shall be seised or possessed or in the Enjoyment of the Rents and Profits of Lands and Hereditaments within the Limits of this Act of the clear annual Value of Twenty Pounds above Reprizes, for an Estate not less than a Life in being, for his own Use.

Declaration to be taken at the first Meeting

Same Property not to give Two Qualifications.

III. 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.

No Bankrupt or Insolvent to be a Commissioner.

IV. 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 Person holding Office or concerned in a Contract to be a Commissioner.

V. And be it enacted, That if at any Time subsequently to the Appointment or Election of any Commissioner he 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, such Person shall cease to be a Commissioner, and his Office shall there-upon become vacant.

Shareholders in Companies established under Acts of Parliament not disqualified by reason of Contracts.

VI. 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.

Declaration by Commissioners.

VII. And be it enacted, That no Person shall be capable of acting as Commissioner (except in administering the Declaration herein-after mentioned) until he shall have made and signed before One of the Commissioners a Declaration to the Effect following:

I *A.B.* do solemnly declare, That I will faithfully and impartially, according to 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 [*here insert the Title of this Act*], and also that I am a resident Inhabitant of and am rated to the Rates made for the Relief of the Poor of the Township of *Middlesbrough* or of the Township of *Linthorpe* in the annual Sum of Twenty-five Pounds [*or that I am seised or possessed or in the* Enjoyment

‘ Enjoyment of the Rents and Profits of Lands and Hereditaments
 ‘ within the Limits of the said Act of the clear annual Value of
 ‘ Twenty Pounds above Reprizes, for an Estate not less than a Life
 ‘ in being, for my own Use].’

VIII. 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.

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

X. 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. Penalty for acting as a Commissioner not being qualified.

XI. And be it enacted, That if any Commissioner fail to act in the Execution of this Act for One Year, such Commissioner shall be deemed to have refused to act, and therefore shall cease to be a Commissioner until he shall be re-elected as herein-after mentioned. Commissioners neglecting to act.

XII. And be it enacted, That the Commissioners appointed by this Act shall go out of Office by Rotation as follows; (that is to say,) in the Month of *July* in the Year One thousand eight hundred and forty-two One Third of such Commissioners shall go out of Office; and at the same Time in the following Year One Half of the remaining Commissioners shall go out of Office; and at the same Time in the following Year the Remainder of the Commissioners shall go out of Office; and at the same Time in every subsequent Year One Third of the Commissioners, being those who have been longest in Office, shall go out of Office; and in each Instance the Places of the retiring Commissioners shall be supplied by the Election of a similar Number of Commissioners as herein-after provided. Period of Service of Commissioners, and Time of going out of Office.

XIII. And

Commis-
sioners re-
eligible.

XIII. And be it enacted, That every Commissioner going out of Office may be re-elected, and after such Re-election, he shall with reference to going out by Rotation be considered as a new Commissioner.

Rotation of
Commission-
ers named
by the Act.

XIV. And in order to determine the Rotation by which the Commissioners are required to go out of Office, be it enacted, That within Two Months after the passing of this Act the Commissioners shall meet at the Exchange or some other convenient Place within the said Town, for the Purpose of forming a Rotation List of the Commissioners; and at such Meeting the Clerk to the Commissioners, or some other Person, to be previously appointed by the Commissioners for that Purpose, shall write the Names of all the then Commissioners on separate Slips of Paper, all as nearly as may be of equal Size, and having folded them in the same Manner, he shall put them in a Box, and shall draw out such Slips indiscriminately in succession; and the Names upon the Slips so drawn shall be inserted by such Clerk or other Person in a List in the Order in which they shall be so drawn, and such List shall be kept by such Clerk for the Purposes of the Act; and the Names in such List shall be numbered consecutively, and the Commissioners shall retire from Office in the Order in which their Names appear on such List, according to the Proportion herein-before mentioned.

Qualification
of Electors.

XV. And be it enacted, That every Person who shall be rated to the Rates made for the Relief of the Poor of the Township of *Middlesbrough* or of the Township of *Linthorpe*, in respect of any Dwelling House, Office, Shop, Warehouse, Counting-house, or other Building, Lands, Tenements, Hereditaments, or other Property whatsoever, within the Limits of this Act, shall be entitled to vote in the Election of Commissioners to supply the Places of those retiring by Rotation.

Manner of
Election for
supplying
periodical
Vacancies.

XVI. And be it enacted, That for the Purpose of such Election a Meeting of the Persons entitled to vote thereat shall be held at the Exchange or at some other convenient Place within the said Town, to be appointed by the Commissioners, on the Second *Friday* in *July* in each Year, between the Hours of Ten of the Clock in the Morning and Four of the Clock in the Afternoon; and between the Hours aforesaid the Persons by whom such Election is to be made shall respectively deliver to the Clerk of the Commissioners, or in his unavoidable Absence to some Person authorized by the Commissioners for that Purpose, a Paper containing the Names of the Persons for whom they respectively vote to fill the Office of Commissioners; and the Persons, not exceeding the Number of Commissioners proper to be elected at such Meeting, having the Majority of Votes at such Election, shall be Commissioners for the Purpose of carrying this Act into execution; and if at any such Election there be an Equality for Two or more Persons, the Clerk to the Commissioners, or such Person as aforesaid, shall, if necessary to prevent an Excess in the Number of Commissioners, decide by Lot upon the Person to be elected.

XVII. And

XVII. And be it enacted, That if any of the Commissioners die, or resign, or be disqualified, or cease to be a Commissioner from any other Cause than that of going out of Office by Rotation, it shall be lawful for the remaining Commissioners, if they think fit, to elect another Commissioner in his Place; and every Commissioner so elected shall continue in Office only so long as the Person in whose Place he shall be elected would have been entitled to continue had he remained in Office.

Mode of
supplying
occasional
Vacancies.

XVIII. Provided always, and be it enacted, That Notice shall be given by the Clerk to the Commissioners previously to the Election of any Commissioner under the last-mentioned Provision, by affixing a Notice on the Door of the Church of *Middlesbrough* aforesaid for Three successive *Sundays* prior to such Election; and if previously to any such Election a Notice in Writing, signed by Twelve Persons qualified to vote in the Election of Commissioners, shall be given to the Clerk to the Commissioners, or left at his last or most usual Place of Abode, requiring the remaining Commissioners not to proceed to the Election of a Commissioner in the Room of any Commissioner who shall have died, or resigned, or have ceased to be a Commissioner as aforesaid, then and in every such Case the Place of such Commissioner shall be supplied by Election in the same Manner as is herein-before directed with respect to the Election of Commissioners in lieu of those retiring by Rotation.

Power for
Electors to
require oc-
casional Va-
cancies to be
supplied by
Election, in
same Manner
as periodical
Vacancies.

XIX. And be it enacted, That the Commissioners for executing the Act shall hold their First General Meeting at the Exchange or some other convenient Place within the said Town of *Middlesbrough* on the Second *Friday* 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 said Commissioners shall be held on the First *Friday* in each Month at the Place and between the Hours aforesaid, unless some other Place within the said Town 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 Town; 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 Town, and not less than Seven Days Notice shall be given of such intended Meeting.

First and
other Meet-
ings.

XX. And be it enacted, That it shall be lawful for the Commissioners to hold Special Meetings; and any Three 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.

Special
Meetings.

[Local.]

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XXI. And

Quorum of Commissioners.

XXI. 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 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.

How Notices of Meetings are to be given.

XXII. And be it enacted, That all Notices of any Meeting to be held under the Authority of this Act shall be in Writing, and shall be delivered at or sent by the Post to the usual Place of Abode of each of the Commissioners 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.

Expences at Meetings.

XXIII. 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.

General Meetings may appoint Committees.

XXIV. 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.

Duration of Committees.

Quorum of Committees.

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

Order of Business at Meetings of Commissioners and Committees.

XXVI. 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 Numbers of Votes whose Name would stand first if the Names of the Commissioners present were alphabetically arranged shall be Chairman of such Meeting.

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

XXVII. 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 Seven 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 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.

XXVIII. 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.

For what
Contracts
may be made.

XXIX. And be it enacted, That every such Contract shall be signed by any Three of the Commissioners by Order of the Commissioners, and by 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.

How to be
signed.

XXX. 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.

Materials for
Works con-
tracted for to
be considered
the Property
of the Com-
missioners.

XXXI. 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 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 Property of the Commissioners for executing this Act, without naming the Members thereof.

Indictments
how to be
preferred.

XXXII. 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 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 Lands, Goods, and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, have

Commis-
sioners not
to be person-
ally liable.

Liability of
their Funds.

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.

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

XXXIII. 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.

Executions against Commissioners.

XXXIV. 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.

Indemnity to Commissioners and Clerk.

XXXV. 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.

Commissioners to appoint Treasurer and other Officers.

XXXVI. And be it enacted, That the Commissioners shall from Time to Time appoint a Treasurer, Clerk, Collector, Common Crier, Surveyor, 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, Common Crier, Surveyor, and Officers, and appoint others in their Stead.

Offices of Clerk and Treasurer to be separate.

XXXVII. And be it enacted, That neither the Person who shall hold the Office of Clerk, nor the Partner of such Clerk, nor any Person 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,)

Penalty.

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,

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.

XXXVIII. And be it enacted, That if any such Treasurer, Clerk, Collector, Common Crier, Surveyor, 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.

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

XXXIX. 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.

Commissioners to take Security from all Officers intrusted with Money.

XL. 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 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.

Officers to account.

XLI. 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

Remedy against Officers failing to account.

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 of the Peace for the North Riding of the County of *York*, 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 the Common Gaol or House of Correction, 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 the Common Gaol or House of Correction; 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.

Commitment
not to dis-
charge Sure-
ties.

XLII. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Commissioners 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 Inspec-
tion.

XLIII. 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.

XLIV. 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 *July* 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 laid before Two or more Justices of the Peace for the said North Riding at the next Petty Sessions to be holden for the Division in which the said Town of *Middlesbrough* is situated; and such Justices are hereby required to examine the Clerk or other Officer of the Commissioners upon Oath as to the Truth of the said Accounts, or of any Charge contained therein, and to allow the same, which Allowance shall be final: Provided always, that if any Person chargeable to the Rates authorized to be made by this Act has any Complaint against such Accounts, or the Application of the Monies received by the Commissioners, it shall be lawful for such Inhabitant to make his Complaint thereof to such Justices at the Time of the Verification of such Accounts as aforesaid; and the said Justices are hereby required to hear such Complaint, and, if they shall think fit, to examine such Clerk or other Officer of the Commissioners, and also the Commissioners, and such other Person as they shall think proper, upon Oath, touching the same, and to make such Order therein as to them shall seem meet, which Order 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 North Riding of the County of *York*, 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.

Accounts to be settled and examined at the annual Meeting.

To be final unless appealed from.

XLV. 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

Statement of Accounts to be prepared, and to be open for Inspection.

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 Rate-payer, may at all reasonable Times inspect such Statement and Account; and the said Statement and Account shall be printed, and 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.

Auditors may be appointed.

XLVI. 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 Rate-payers or other Persons by this Act authorized to appoint 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; and the Persons so to be nominated Auditors shall have the like Qualification and shall be subject to the like Disqualification or Disability as the Commissioners, and before entering on their Office they shall make and sign, before One of Her Majesty's Justices of the Peace, a solemn Declaration of the like Purport and Effect to that hereby required to be signed by the Commissioners.

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

XLVII. 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 herein-before 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 said North Riding, 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.

An annual Account to be prepared, and a Copy thereof

XLVIII. 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 Thirtieth Day of *June* or some other

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 said Commissioners, and shall transmit a Copy of the said Account free of Charge to the Clerk of the Peace for the North Riding of the County of *York*, on or before the First Day of *January* then next, 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 said Commissioners shall omit to prepare and transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

transmitted
to the Clerk
of the Peace.

XLIX. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to borrow at Interest, for the Purposes of this Act, on the Credit of the several Rates, Tolls, Rents, or Assessments by this Act granted, and other Property vested in the Commissioners, any Sum of Money which shall not exceed the Sum of Five 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 Five 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 Seven of them, may assign over the said Rates, Tolls, Rents, Assessments, and 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 to be so borrowed, together with Interest for the same.

Power to
borrow on
Mortgage.

L. 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 Seven of the Commissioners, and may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect.

Form of
Mortgage.

LI. 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, Tolls, Rents, or Assessments, and Property, equally one with one another, without any Preference in respect of the Priority of advancing such Monies, or of the Dates of any such Assignments respectively.

Mortgages to
be without
preference.

LII. 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 Seven of them, to charge the Rates, Tolls, Rents, and Assessments, and Property, granted by this Act, with an Annuity to determine on a Life or Lives in being in favour of any Person who

Commis-
sioners may
raise Money
by Annuity.

[Local.]

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shall

shall advance to the Commissioners any Sum of Money for the Purchase of the same.

Form of Grant of Annuity.

LIII. 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 Seven of the Commissioners, and may be in the Form in Schedule (B.) to this Act annexed, or to the like Effect.

For preventing improvident Grants of Annuities.

LIV. 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.

Annuities to rank after Mortgages.

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

Expences of Mortgages and Annuities.

LVI. 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.

Register of Mortgages and Annuities to be kept, and to be open to Inspection.

LVII. 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.

Assignment of Mortgages and Annuities.

LVIII. 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 Deed duly stamped, wherein the Consideration shall be truly stated; and any such Transfer may be according to the Form in Schedule (C.) to this Act annexed, or to the like Effect.

Register of Transfers to be kept.

LIX. 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.

LX. And

LX. 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.

LXI. 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, 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, Tolls, Rents, or Assessments, or other Funds or Property granted by 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.

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

LXII. 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.

Mode of paying off Mortgages.

LXIII. And be it enacted, That the Money which shall be raised on the Credit of the Rates, Tolls, Rents, or Assessments hereby authorized to be levied shall be applied, in the first place, in paying the Expences of obtaining and passing this Act and 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.

Application of Monies to be borrowed.

LXIV. And

Commissioners may make Bye Laws to govern themselves and their Servants.

LXIV. 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 the Provisions of this Act, and so as the same be reduced into Writing, and signed by Three or more of the Commissioners at any Meeting of the Commissioners.

Fines for Breach of such Bye Laws.

LXV. 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.

Service of Notice on Commissioners.

LXVI. 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.

Authentication of Notices.

LXVII. 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.

Releases to Witnesses.

LXVIII. And be it enacted, That in all legal Proceedings under this Act it shall be lawful for any Three or more of the Commissioners, by Order of the Commissioners, made at a Meeting, 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.

Tender of Amends.

LXIX. 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.

LXX. 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 which they may require for the Purposes of this Act, for the absolute Purchase, for a Consideration in Money, of any such Lands, or such 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 other Estates or Interests in such Lands, of what Kind soever.

Power to
Purchase
Lands.

LXXI. 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 of 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, 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 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
enabled to
sell and con-
vey.

LXXII. 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

Acceptance
of Compens-
ation for
Price of or
Damage to
Lands.

[Local.]

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and

and may in like Manner accept Compensation for any Damage by them sustained, owing to the Exercise of the Powers of this Act.

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

LXXIII. 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 Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Form of Conveyances.

LXXIV. And be it enacted, That all Conveyances of Lands so to be purchased as aforesaid may be according to the Form in 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 the Commissioners, 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 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.

Costs of Conveyances.

LXXV. And with respect to the Costs of the Conveyance of any such Lands purchased or taken by the Commissioners, be it enacted, That all such Costs shall be borne by the Commissioners; and such Costs shall include all Charges and Expences incurred on the Part as well of the Seller as the Purchaser of all Conveyances and Assurances of any such Lands, and of any outstanding Terms or Interests therein, and of deducing, evidencing, and verifying the Title to such Lands, Terms, or Interests, and of making out and furnishing such Abstracts and attested Copies as the Commissioners may require, and all other Expences incident to the Investigation, Deduction, and Verification of such Title; and before the Commissioners enter into possession of the Lands so purchased or taken they shall pay the Amount of such Costs; and if there be any Dispute about the same they shall obtain an Order for the Taxation thereof as herein-after provided; nevertheless, if within Seven Days after Notice in Writing from the Commissioners the Parties from whom such Lands shall have been purchased do not deliver a Bill of their Costs to the Commissioners, then the Commissioners shall not be prevented from entering into the Possession

Possession of such Lands by reason of the Nonpayment of such Costs, or by reason of such Order for Taxation thereof not having been obtained.

LXXVI. And be it enacted, That if the Commissioners and the Party entitled to any such Costs shall not agree as to the Amount thereof, such Costs shall be ascertained by the Court of Exchequer, and for that Purpose either Party may apply to the Court by Petition, and thereupon the Court shall order such Costs to be referred to One of the Masters, to be taxed in the usual Manner; and upon Proof of such Service the Master shall proceed to tax such Costs accordingly, Notice of such Taxation being given to the other Party; and after the Taxation thereof it shall be lawful for the Court to order the Amount at which the same shall be so taxed, together with the Costs of Taxation, or so much of the same as shall be payable by the Commissioners, to be paid to the Party entitled thereto, and the same shall be paid accordingly; and the Expence of taxing such Costs, and of obtaining the Order referring the same to be taxed, shall be borne by the Commissioners, unless on the Taxation One Sixth Part of the Costs be disallowed, in which Case the Expence shall be borne by the Party from whom the Lands shall have been purchased or taken.

Taxation of Costs.

LXXVII. 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 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 *Middlesbrough* 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 Money and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Apportionment of an Accountant General and Two Masters of the 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,)

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

1 G. 4. c. 35.

Application of Monies deposited.

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

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.

LXXVIII. 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 and 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.

Purchase
Money not
amounting to
200*l.* but ex-
ceeding 20*l.*
to be depo-
sited or in-
vested in
Trustees.

LXXIX. 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 hereinbefore 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 thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Hands of any Three 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 hereinbefore 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.

Sums not
exceeding

LXXX. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall

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.

20*l.* to be paid to Parties.

LXXXI. And be it enacted, That for the Purpose of forming Approaches to the said Town, of making and opening more convenient Communications, Ways, or Streets, and of widening and improving the Streets and Ways within the said Town, it shall be lawful for the Commissioners to agree with the Owners of any Lands which they may require for any of those Purposes for the absolute Purchase of any of such Lands, and therewith to form Approaches to the said Town, or to lay the same into the said Streets, or otherwise appropriate the same for the Purposes aforesaid, as the Commissioners shall think fit; and all such Approaches, Ways, or Streets, when and so soon as the same shall be so formed, widened, or improved, shall be deemed public Streets and Highways.

Power to purchase Lands for Improvement of Town.

LXXXII. And for the Purpose of making Provision respecting the Sale of Lands acquired by the Commissioners under the Provisions of this Act, but which shall not be required for the Purposes thereof, be it enacted, That the Commissioners shall sell all such superfluous Lands in such Manner as they may deem most advantageous, and convey the same to the Purchasers thereof by Deed, under the Hands and Seals of Three at least of the Commissioners; and the Receipt of the Treasurer of the Commissioners shall be a sufficient Discharge to the Purchaser of any such Lands for the Purchase Money in such Receipt expressed to be received; and such Sales and Conveyances shall take place within Ten Years after the passing of this Act,

Lands not wanted to be sold.

LXXXIII. And be it enacted, That if the Commissioners do not sell such superfluous Lands within the Period aforesaid, then such Lands remaining unsold at the Expiration of such Period shall thereupon vest in and become the Property of the Owners of the Lands adjoining thereto, in proportion to the Extent of their Lands respectively adjoining the same.

Lands not so sold to vest in Owners of adjoining Lands.

LXXXIV. Provided always, and be it enacted, That before the Commissioners dispose of any such superfluous Lands they shall first offer to sell the same to the Person then entitled to the Lands (if any) from which the same were originally severed, or if such Person refuse to purchase the same, or cannot be found, then the like Offer shall be made to the Person or to the several Persons whose Lands shall immediately adjoin the Lands so proposed to be sold, such Persons being capable of entering into a Contract for the Purchase of such Lands; and where more than One such Person shall be entitled to such Right of Pre-emption, such Offer shall be made to such Persons in succession, one after another, in such Order as the Commissioners shall think fit.

Lands to be offered to adjoining Owners.

[*Local.*]

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LXXXV. And

Right of
Pre-emption
to be claimed
within Sixty
Days.

LXXXV. And be it enacted, That if such respective Persons be desirous of purchasing such Lands, then within Sixty Days after such Offer of Sale they shall signify their Desire in that Behalf, to the Commissioners, or if they decline such Offer, or if for Sixty Days they neglect to signify their Desire to purchase such Lands, the Right of Pre-emption of every such Person so declining or neglecting, in respect of the Lands included in such Offer, shall cease, and thereupon a Declaration in Writing made before a Justice by some Person not interested in the Matter in question, stating that the Person or all the Persons entitled to the Right of Pre-emption were out of the Country, or could not be found, or were not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made and was refused, or not accepted within Sixty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence of the Facts therein stated.

Difference as
to Price to
be settled by
Valuation.

LXXXVI. And be it enacted, That if any Person entitled to such Pre-emption shall be desirous of purchasing any such Lands, and such Person and the Commissioners do not agree as to the Price thereof, then such Price shall be ascertained by Two Surveyors or their Umpire in like Manner as by this Act is directed with respect to the Value of any Lands to be purchased from any Party under Disability or Incapacity; and upon Payment or Tender to the Commissioners of the Purchase Money so agreed upon or determined they shall convey such Lands to the Party so entitled to purchase the same; and every such Conveyance shall be effectual for vesting the Lands comprised therein in the Purchaser thereof for the Estate which shall have been so purchased by him, and the Money produced by the Sale of such Lands shall be applied by the Commissioners for the Purposes of this Act.

Effect of
the Word
"grant" in
Conveyances.

LXXXVII. And be it enacted, That in every Conveyance of Lands to be made by the Commissioners under this Act the Word "grant" shall operate as express Covenants by the Commissioners, for themselves and their Successors, with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, and Assigns of such Grantees, according to the Nature or Quality of such Grants, and of the Estate or Interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express Words contained in any such Conveyance; (that is to say,)

A Covenant, that, notwithstanding any Act or Default done by the Commissioners, they were at the Time of the Execution of such Conveyance seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them:

A Covenant, that the Grantee of such Lands, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Commissioners and their

their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Commissioners and their Successors from all Incumbrances created by the Commissioners :

A Covenant for further Assurance of such Lands, at the Expence of such Grantee, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Commissioners or their Successors, and all other Persons claiming under them :

And all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest in such Conveyance expressed to be conveyed, may in all Actions brought by them assign Breaches of Covenants as they might do if such Covenants were expressly inserted in such Conveyances.

LXXXVIII. And be it enacted, That the Limits of the Town of *Middlesbrough*, for the Purposes of this Act, shall comprehend the Whole of the Township of *Middlesbrough*, and also a certain Piece or Parcel of Land containing Fifteen Acres or thereabouts, be the same more or less, lying at and constituting the North-western Corner of the present Town of *Middlesbrough*, and Part whereof was purchased by *Thomas Richardson, Henry Birkbeck, Joseph Pease, Simon Martin, Edward Pease, and Francis Gibson*, and the Residue thereof by the *Stockton and Darlington Railway Company*, of and from *Thomas Hustler Esquire*, in the Years One thousand eight hundred and thirty and One thousand eight hundred and thirty-one, and which same Piece or Parcel of Land was then called *Bell's Inclosure and Salt Land*, and is situate in the said Township of *Linthorpe*, and is now partially built upon (save and except and always reserved out of the Limits of this Act all and every the Lands now belonging to *Thomas Hustler Esquire* and *Mistress Ann Barker*, or either of them, situate in the said several Townships of *Middlesbrough* and *Linthorpe*, or of *Acklam*, in the said North Riding, or any of them, or which have been or are now contributory to any Rate or Assessment within or for or in respect of the same several Townships or any of them).

Limits of Act.

LXXXIX. And be it enacted, That from and after the passing of this Act the Commissioners shall have the sole and exclusive Management of all the present and future Streets within the Limits of this Act, being public Highways, and of the lighting thereof; and that 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, &c. vested in the Commissioners.

XC. And be it enacted, That if any Street already made or hereafter to be made (not being a public Highway) shall be made in a substantial

Present and future Streets may be de-

clared High-ways.

substantial Manner, and paved or put into good Order to the Satisfaction of any Two Justices of the Peace for the North Riding of the County of *York*, who are hereby required, on receiving Notice from any Person at whose Expence any such Street shall have been made or formed, or to whom the same Street shall belong, to view the same, and to certify that such Street has been made in a substantial Manner, and paved or put into good Repair at the Expence of the Party requiring such View (which Certificate shall be enrolled at the Quarter Session next after the granting thereof), then and in such Case the same shall be a public Highway.

Commis- sioners to cause Streets to be paved, &c.

XCI. And be it enacted, That it shall be lawful for the Commis- sioners 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; and the said Commissioners shall make Compensation to any Person whose Property may be thereby injured or damaged.

Compensa- tion for Damage to be settled by Valuation.

XCII. And be it enacted, That such Compensation, in case of Dispute about the same, shall be settled and determined by 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 as to the Amount of such Compensation, or the Commissioners or other Party shall not appoint a Surveyor, then by such Third Surveyor as any Two Justices shall for that Purpose nominate, by Writing under their Hands.

Penalty on Persons altering Pavements.

XCIII. 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.

Owner or Occupier to pave Foot- ways if re- quired.

XCIV. And be it enacted, That the Owner or Occupier of any House or Building abutting upon any Street within the Limits of this Act shall, if required by the Commissioners, 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 immediately adjoining thereto and occu- pied therewith, a Causeway or Footway for the Use of Foot Passengers, to a Depth not exceeding Nine Feet; and such Causeway or Foot- way, when made, shall for ever afterwards be kept in repair by the Commissioners.

XCV. And

XCV. And be it enacted, That it shall be lawful for the Commissioners to 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 any Street within the Limits of this Act.

Commissioners may pave Footways.

XCVI. 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, shall be kept in repair by the Commissioners.

Footways to be kept in repair by the Commissioners.

XCVII. 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.

XCVIII. 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, provided no such Stone, Gravel, or other Materials be procured or deposited within Five Yards of the High-water Mark of the River *Tees*.

Power to purchase or hire Land for depositing Materials.

XCIX. 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.

Road Trustees not to collect Toll within the Limits.

C. And be it enacted, That the Commissioners 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 the Inhabitants of the Townships of *Middlesbrough* and *Linthorpe* respectively were before the passing of this Act.

Commissioners liable to Indictment for Want of Repairs.

CI. And be it enacted, That every Person 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 any of the Highways within the said Townships of *Middlesbrough* and *Linthorpe* respectively, or either of them, not within the Limits of this Act, in respect of such Lands.

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

CII. And whereas such of the Lands within the Limits of this Act as are situate in the said Township of *Linthorpe* have heretofore been comprised in the Assessments made for the Repairs of the Highways of the same Township, and the same are hereby released from such Assessments being made thereon in future; be it therefore enacted, That from and after the passing of this Act the Commissioners shall for ever hereafter annually pay out of the Rates to be raised for the Purposes of this Act to the Surveyors of the Highways

Commissioners to pay annual Sum to the Surveyors of Highways of Linthorpe.

of the said Township of *Linthorpe* for the Time being the same Rate in the Pound, upon an annual gross Rental of Five hundred and fifty Pounds (for such of the Lands of the same Township as are comprised within the Limits of this Act) as shall for the Time being be collected upon the Rack-rental of the remaining Lands within the same Township, in lieu of and by way of Compensation for the Money heretofore raised by such Assessments as aforesaid.

Commissioners may apply to Justices to stop up or divert any Highways.

CIII. And be it enacted, That when the Commissioners shall deem it expedient that any Highway or Footpath should be stopped up, diverted, or turned, either entirely or reserving a Bridleway or Footway along the whole or any Part thereof, they shall apply to Two Justices to view the same, and shall pay all the Expences attending such View, and also the Expences of stopping up, diverting, or turning such Highway or Footpath, either entirely or subject to such Reservation as aforesaid, out of the Money received by them for the Purposes of this Act.

Proceedings previously to stopping up or diverting Highways.

CIV. And be it enacted, That when it shall appear upon such View as aforesaid that any public Highway or Footpath may be diverted and turned, either entirely or subject as aforesaid, so as to make the same nearer or more commodious to the Public, and the Owner of the Lands or Grounds through which such new Highway or Footpath is proposed to be made shall consent thereto, by Writing under his Hand, or if it shall appear upon such View that any public Highway or Footpath is unnecessary, the said Justices shall direct the Commissioners to affix a Notice in the Form or to the Effect in the Schedule (H.) to this Act annexed, in legible Characters, at the Place and by the Side of each End of the said Highway or Footpath from whence the same is proposed to be turned, diverted, or stopped up, either entirely or subject as aforesaid, and also to insert the same Notice in Two Newspapers published or generally circulated within the Limits of this Act for Four successive Weeks next after the said Justices have viewed such public Highway or Footpath, and to affix a like Notice on the Door of the Church of *Middlesbrough* aforesaid on Four successive *Sundays* next after the making such View; and the said several Notices having been so published, and Proof thereof having been given to the Satisfaction of the said Justices, and a Plan having been delivered to them at the same Time, particularly describing the old and the proposed new Highway or Footpath, by Metes, Bounds, and Admeasurement thereof, which Plan shall be verified by some competent Surveyor, the said Justices shall proceed to certify under their Hands the Fact of their having viewed the said Highway or Footpath as aforesaid, and that the proposed new Highway or Footpath is nearer or more commodious to the Public, and if nearer the said Certificate shall state the Number of Yards or Feet it is nearer, or if more commodious the Reasons why it is so, and if the Highway or Footpath is proposed to be stopped up as unnecessary, either entirely or subject as aforesaid, then the Certificate shall state the Reason why it is unnecessary; and the said Certificate of the said Justices, together with the Proof and Plan so laid before them as aforesaid, shall, as soon as conveniently may be after the making of the said Certificate, be lodged at the

Office of the Clerk of the Peace for the North Riding of the County of *York*, and shall (at the Quarter Sessions which shall be holden for the said Riding next after the Expiration of Four Weeks from the Day on which the said Certificate shall be lodged at the Office of the said Clerk of the Peace as aforesaid) be read by the said Clerk of the Peace, in open Court; and the said Certificate, together with the Proof and Plan as aforesaid, as well as the Consent in Writing of the Owner of the Land through which the new Highway or Footpath is proposed to be made, shall be enrolled by the said Clerk of the Peace amongst the Records of the said Court of Quarter Sessions: Provided always, that any Person whatever shall be at liberty, at any Time previous to the said Quarter Sessions, to inspect the said Certificate and Plan so as aforesaid lodged at the Office of the said Clerk of the Peace, and to have a Copy thereof, on Payment to the Clerk of the Peace at the Rate of Sixpence *per Folio*, and a reasonable Compensation for the Copy of the Plan.

CV. And be it enacted, That in any Case where it is proposed to stop up or divert more than One Highway or Footpath, which Highways or Footpaths shall be deemed to be so connected together as that they cannot be separately stopped or diverted without interfering one with the other, it shall be lawful to include such different Highways or Footpaths in One Order or Certificate.

Certificate of Justices may include more than One Highway.

CVI. And be it enacted, That in the event of any Appeal being brought against the whole or any Part of any Order or Certificate for diverting more Highways or Footpaths than One, it shall be lawful for the Court to decide upon the Propriety of confirming the whole or any Part of such Order or Certificate, without Prejudice to the remaining Part thereof.

If Certificate appealed against, the Court may confirm the Whole or a Part.

CVII. And be it enacted, That when any such Certificate shall have been so given as aforesaid it shall and may be lawful for any Person who may think that he would be injured or aggrieved if any such Highway or Footpath should be ordered to be diverted and turned or stopped up, either entirely or subject as aforesaid, and such new Highway or Footpath set out and appropriated in lieu thereof as aforesaid, or if any unnecessary Highway or Footpath should be ordered to be stopped up as aforesaid, to make his Complaint thereof by Appeal to the Justices of the Peace at the said Quarter Sessions, upon giving to the Commissioners Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds of such Appeal: Provided always, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on the Hearing of such Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statements as aforesaid.

Appeal to the Quarter Sessions.

CVIII. And be it enacted, That in case of such Appeal the Justices at the said Quarter Sessions shall (for the Purpose of determining whether the proposed new Highway or Footpath is nearer or more commodious to the Public, or whether the public Highway or Footpath

In case of Appeal, the Jury at such Sessions to determine

whether the
old Highway
shall be dis-
continued.

Footpath so intended to be stopped up, either entirely or subject as aforesaid, is unnecessary, or whether the said Party appealing would be injured or aggrieved,) impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury shall return a Verdict that the proposed new Highway or Footpath is nearer or more commodious to the Public, or that the public Highway or Footpath so intended to be stopped up, either entirely or subject as aforesaid, is unnecessary, or that the Party appealing would not be injured or aggrieved, then the said Court of Quarter Sessions shall dismiss such Appeal, and make the Order herein mentioned for diverting and turning and stopping up such Highway or Footpath, either entirely or subject as aforesaid, or for diverting, turning, and stopping up such old Highway or Footpath, and purchasing the Ground and Soil for such new Highway or Footpath, or for stopping up such unnecessary Highway or Footpath, either entirely or subject as aforesaid; but if the said Jury shall return a Verdict that the proposed new Highway or Footpath is not nearer or not more commodious to the Public, or that the Highway or Footpath so intended to be stopped up, either entirely or subject as aforesaid, is not unnecessary, or that the Party appealing would be injured or aggrieved, then the said Court of Quarter Sessions shall allow such Appeal, and shall not make such Order as aforesaid.

Court of
Quarter Ses-
sions may
award Costs.

CIX. And be it enacted, That the said Court of Quarter Sessions is hereby authorized and required to award to the Commissioners or to the Party appealing such Costs and Expences as shall be incurred in resisting or prosecuting such Appeal, whether the same shall be tried or not; and such Costs and Expences shall be paid by the Commissioners, or by the Party appealing, as the Court may direct; and in case the Commissioners, or the Party appealing shall not appear to resist or support such Appeal, the said Court of Quarter Sessions shall award the Costs of the Appeal to be paid by the Party who shall so fail to appear.

If Appeal not
made, or dis-
missed, Jus-
tices at Quar-
ter Sessions
to make Order
for Diversion,
&c. of High-
way.

CX. And be it enacted, That if such Appeal shall not be made, or being made shall be dismissed as aforesaid, then the Justices at the said Quarter Sessions shall make an Order to divert and turn and to stop up such Highway or Footpath, either entirely or subject as aforesaid, or to divert, turn, and stop up such old Highway or Footpath, and to purchase the Ground and Soil for such new Highway or Footpath, or to stop up such unnecessary Highway or Footpath, either entirely or subject as aforesaid, by such Ways and Means, and subject to such Exceptions and Conditions in all respects, as to the said last-mentioned Justices shall seem proper, and the new Highways or Footpaths so to be appropriated and set out shall be and for ever after continue a public Highway or Footpath to all Intents and Purposes whatsoever, but no old Highway or Footpath (except in the Case of stopping up such useless Highway or Footpath as herein is mentioned) shall be stopped until such new Highway or Footpath shall be completed and put into good Condition and Repair, and so certified by Two Justices of the Peace
upon

upon View thereof, which Certificate shall be returned to the Clerk of the Peace of the said North Riding, and by him enrolled amongst the Records of the Court of Quarter Sessions next after such Order as aforesaid shall have been made, pursuant to the Directions hereinbefore contained.

CXI. 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 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.

Power to construct Common Sewers.

CXII. 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 for Injury thereby.

CXIII. 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.

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

Occupiers to repair private Drains.

CXV. 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 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.

CXVI. And be it enacted, That if the Commissioners shall consider any Porch, Shed, projecting Window, Step, Cellar, Cellar Door
[Local.] 16 T

Future Projections to be removed, on Notice.

or Window, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection hereafter to be 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 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 Seven 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.

CXVII. 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 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, Seven 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.

CXVIII. And be it enacted, That all Doors, Gates, and Bars, not being underground Doors, or horizontal Doors opening into a Vault or Cellar, 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.

Coverings for Cellar Doors to be made.

CXIX. 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 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 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 shall make any such Door or Covering contrary to the Directions of the Commissioners,

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.

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, making reasonable Compensation to every Person who shall incur any Loss or Damage by such Removal or Alteration.

Doors opening outwards to be altered by Commissioners.

CXXI. And whereas it may happen that some of the Houses, Buildings, Walls, or Chimneys within the Limits of this Act may be in so ruinous a Condition that Passengers passing may be in danger of their Lives or some bodily Harm from the falling thereof, or of Bricks, Stone, or Timber therefrom; be it therefore enacted, That on any Information, signed by Four or more Householdors living within the Limits of this Act, that any such House, Building, Wall, or Chimney 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, Building, Wall, or Chimney is in a 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, Building, Wall, or Chimney 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, Building, Wall, or Chimney, 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, Building, Wall, or Chimney 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, Building, Wall, or Chimney, shall from Time to Time be paid by the Owner of such House, Building, Wall, or Chimney.

Ruinous or dangerous Houses to be taken down or secured.

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.

The Expence to 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

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

to

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.

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

CXXIV. Provided always, and be it enacted, 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.

Commissioners may sell the Materials.

CXXV. And be it enacted, That in case any such House, Building, Wall, or Chimney 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, Building, Wall, or Chimney; and the Commissioners shall restore any Overplus arising from such Sale to the Owner of such House, Building, Wall, or Chimney, on Demand; nevertheless, the Commissioners, although they shall sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment 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.

Waterspouts to be affixed.

CXXVI. 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 Seven 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 in 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.

Underground Drains to be formed.

CXXVII. 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.

CXXVIII. 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 such 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.

CXXIX. 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.

CXXX. 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 Building 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.

Houses not to be thatched.

CXXXI. 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

Hoards to be set up during Repairs.

ciently 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 Deposits of Building Materials or Excavations.

CXXXII. 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 Sun-setting to Sun-rising 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 Deposits of Building Materials or Excavations an unreasonable Time.

CXXXIII. 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.

Dangerous Places to be repaired or inclosed.

CXXXIV. 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.

Commissioners may close Streets during Repairs.

CXXXV. 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.

In default of the Party liable, the Commissioners to

CXXXVI. 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 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.

execute the Works, and recover the Expence incurred thereby.

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

Occupiers to recover against Owners in certain Cases.

CXXXVIII. And be it enacted, That in all Cases (except as herein-before 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.

Adjustment between Owners and Occupiers.

CXXXIX. And

Streets to be
cleansed and
watered.

CXXXIX. 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 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
allowed to
use their own
Ashes, &c.

CXL. 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.

CXLI. 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 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.

Penalty on
Occupiers
obstructing
Scavengers.

CXLII. 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
other Persons
than Sca-
vengers re-
moving Dirt.

CXLIII. 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

except as aforesaid, he shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

CXLIV. 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.

CXLV. 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.

Commis-
sioners may
compound
for sweeping
Footways;

CXLVI. And be it enacted, That it shall be lawful for the Commissioners to cause any Footway within the Limits of this Act to be swept or cleansed in such Manner and at such Times as they shall think fit.

may cause
Footways to
be swept;

CXLVII. 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.

and may order
Nuisances to
be abated.

CXLVIII. And be it enacted, That if such Nuisance as aforesaid shall not be discontinued or remedied within Seven 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 Seven 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 Seven Days after the

Penalty for
Disobedience
of Commis-
sioners
Order.

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.

CXLIX. 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.

CL. 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.

Penalty for suffering mad Dogs to be at large.

CLI. 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.

Power to impound stray Cattle.

CLII. 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 *Middlesbrough*, 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 Five 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 sell stray Cattle for Penalty and Expences.

CLIII. 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

and which Money the Commissioners are hereby required to pay, on Demand.

CLIV. 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 North Riding of the County of *York*, there to remain without Bail for any Time not exceeding Three Months.

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

CLV. 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.

Power to provide a Pound.

CLVI. And be it enacted, That every Person who, within the Limits of this Act, shall empty or begin to empty any Privy between the Hours of Seven in the Morning and Twelve at Night, or remove along any Thoroughfare any Night-soil, Soap Lees, Ammoniacal Liquor, or other such offensive Matter, between the Hours of Seven in the Morning and Eight in the Evening, 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 for conveying offensive Matter at improper Times.

CLVII. And be it enacted, That if any Blacksmith, Whitesmith, Anchorsmith, Nailmaker, 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 on Blacksmiths not shutting out the Light of their Forges from Streets.

CLVIII. And

Penalty for setting Chimney on fire.

CLVIII. 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 Chimney on fire.

CLIX. 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.

Penalty of 40s. for certain Offences in the Streets.

CLX. 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,)

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 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 overdriven 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 Distance from such Cart, Waggon, or Carriage as not to have the complete Control over every Horse or other Animal drawing the same,

or

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 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, 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 Showboard, 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 Eight 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) :

[*Local.*]

16 Y

Every

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 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-arms, 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 before the Hour of Eight in the Morning) :

Every Person who shall wilfully or negligently break any Window.

CLXI. 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,) Penalty of 40s. for certain other Offences.

Every Person who shall fix or place any Flower-pot 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 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 underground, 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 Pig-sty 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

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.

Gates to be erected across a Lane within the Limits of the Act.

CLXII. And whereas a Branch Railway from the *Stockton* and *Darlington* Railway to the River *Tees* crosses a certain Lane or Highway within the Limits of this Act on the Level thereof, and it is expedient that Provision should be made for the more effectual Protection of Persons passing along the said Lane or Highway; be it therefore enacted, That the Owners of the said Branch Railway shall, within Three Months after the passing of this Act, erect, and at all Times hereafter maintain, a good and sufficient Gate across the said Lane or Highway on each Side of the said Railway, which Gates shall be constantly kept shut by some Person appointed by the Owners of the said Railway (and which Person the same Owners are hereby required to appoint), under a Penalty of Ten Pounds for each Default, except during the Times when Carriages passing along the said Lane or Highway shall have to cross such Railway, and then the same shall be opened only for the Purpose of letting such Carriages pass through, and the Person intrusted with the Care of such Gates shall cause every such Gate to be shut as soon as such Carriages shall have passed through the same, under the Penalty of Five Pounds for every Default therein; and no Waggons, Carriages, or Conveyances passing along the said Railway shall at the Point of such Crossing be drawn or propelled at a greater Speed than Four Miles *per* Hour, under the Penalty, upon any Person having the Care of such Waggons, Carriages, or Conveyances, of Five Pounds for every such Offence.

Power to buy Land for a Landing-place.

CLXIII. And be it enacted, That it shall be lawful for the Commissioners to purchase from any Person who shall be willing to sell the same a Plot or Parcel of Land not exceeding Five Acres adjoining to and abutting upon the River *Tees*, for a Landing-place for the Use and Accommodation of the Inhabitants of and other Persons frequenting the said Town, and (if the Commissioners think proper) to erect a Quay or Wharf thereon; and such Land shall be properly fenced off by the Commissioners, and for ever maintained by them for such Purpose, and no other.

Power to Commissioners to light the Streets.

CLXIV. 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.

All Wharfs, Quays, and Staiths used by the Public to be lighted and watched

CLXV. And whereas there now are and may hereafter be within the Limits of this Act divers Wharfs, Quays, and Staiths, and the Approaches thereto, which are now or may be used by the Public for the Conveyance, loading or unloading, of Coals, Goods, Matters, or Things; but Doubts may exist whether the same are public
5
Places

Places liable to be lighted and watched within the Meaning of this Act; be it therefore enacted, That so long as the said Wharfs, Quays, Staiths, or Approaches shall be so used by the Public as aforesaid the Commissioners are hereby required sufficiently to light and watch the same: Provided that nothing in this Act contained shall extend in any way to prejudice the Rights of the Owners for the Time being of the said Wharfs, Quays, Staiths, and Approaches, or operate as a Dedication to the Public of the same.

so long as they are so used;

but not to prejudice the Rights of the Owners thereof.

CLXVI. And be it enacted, That it shall be lawful for the Commissioners to contract, for any Period not exceeding Three Years at any one Time, with the Owners of certain Gas Works now existing within the said Town, or with the Owners of any Works hereafter to be made or erected within the said Town, for the Supply of such Gas as the Commissioners may think necessary for lighting such Streets: Provided always, that if the Commissioners and the Owners of the said Gas Works, or any of them, shall not agree as to the Price to be paid for such Supply, then such Price shall be ascertained by Two Persons, one of whom shall be appointed by the Commissioners, and the other by the other Party; or in case they shall not agree about the same, then by such Third Party as shall have been nominated for that Purpose by such Two Persons before they shall have entered upon the Matter of such Reference; and in case such Owners shall refuse to agree with the Commissioners for such Supply of Gas, or shall refuse to appoint a Referee in manner aforesaid, or (such Referees having been appointed) shall refuse to supply such Gas at the Price fixed by such Referees or their Umpire as aforesaid, then it shall be lawful for the Commissioners to manufacture Gas, and to provide Gasometers, and all Apparatus and Machinery necessary for the Purpose, and to purchase or rent any Land, not exceeding Two Acres, which may be necessary for the Establishment of such Manufacture.

Commissioners may contract for lighting the Streets.

CLXVII. Provided always, and be it enacted, That, notwithstanding any thing herein contained, it shall and may be lawful for the Owners for the Time being of the said Gas Works now existing within the said Town, so long as the same Works shall be in existence and used as Gas Works, or for any Person under their Control or Direction, to break up the Soil or 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 may deem necessary, doing as little Damage thereby as may be, and fully and effectually repairing the same; provided that it shall not be lawful for such Owners to erect or to continue any Lamp, Lamp Post, or Lamp Iron against any Dwelling House, except with the Consent of the Owner and Occupier thereof.

Owners of Gas Works may lay Pipes, &c. in Streets.

CLXVIII. 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, or

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

for any other Persons under the Control and Direction of the Commissioners, to break up the Soil or 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, and to lay or continue any Lamp, Lamp Post, Lamp Iron, Pipe, or other Work against or through any private Building, Inclosure, or Land (except a Dwelling House), without the Consent of the Owner or Occupier thereof, making reasonable Compensation and Satisfaction to every such Owner or Occupier for the Damage and Injury done thereby.

Service Cocks to be kept fully charged.

CLXIX. 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.

CLXX. 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 Work therein, as are hereby granted to the Commissioners for the Purpose of lighting any Street within the Limits of this Act.

Penalty on Gas Makers for corrupting Water within the Limits of the Act.

CLXXI. 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 to be sued for in superior Courts within 12 Months.

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

CLXXIII. And

CLXXIII. 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 the Continuance of the Offence.

CLXXIV. 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.

Daily Penalty during Escape of Gas after Notice.

CLXXV. 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.

Position of Gas Pipes with reference to Water Pipes.

CLXXVI. 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.

Manner of laying the Gas Pipes.

CLXXVII. 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

Penalty for laying Gas Pipes contrary to the Act.

Person to whom such Gas Pipe shall belong shall forfeit for every such Offence the Sum of Five Pounds.

Penalty on Gas Makers if Water contaminated.

CLXXVIII. 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.

Daily Penalty during the Continuance of the Contamination after Notice.

CLXXIX. 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.

Power to examine Gas Pipes to ascertain Cause of Contamination.

CLXXX. 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.

The Expences to abide the Result of the Examination.

CLXXXI. 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 Amount of the Expences to be ascertained and recovered as other Damages.

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

CLXXXIII. Pro-

CLXXXIII. Provided always, and be it enacted, That nothing in this Act contained shall protect 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.

Persons supplying Gas to be liable to Indictment for Nuisance.

CLXXXIV. 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 and 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.

Fire Engines and Firemen may be provided by the Commissioners.

CLXXXV. And be it enacted, That it shall be lawful for the Commissioners to sink and make, and from Time to Time to support and repair, a Well and Pump in the Market Place herein-after mentioned, for the free Use of the Inhabitants of the said Town, and also to construct and maintain in the said Market Place, or in such other Place within the Limits of this Act as they shall think proper, a Tank or Reservoir, and to keep the same supplied with Water, to be used for the Purpose of extinguishing Fires, and to defray the Expence of sinking, making, constructing, and repairing such Well, Pump, Tank, and Reservoir out of the Money to be raised for the Purposes of this Act.

Commissioners may provide Pumps, &c.

CLXXXVI. And be it enacted, That it shall be lawful for the Commissioners to build and provide, in a certain Place in the said Town called the Square, and for ever after to maintain and improve, as they shall think fit, a Market Place for the Sale of Cattle, Animals, and Provisions, and all other marketable Commodities within the said Town, together with all Stalls, Standings, and other Conveniences and suitable Approaches for all Persons resorting thereto,

Commissioners empowered to provide a Market Place.

CLXXXVII. 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 the said Town 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.

Slaughter-houses.

Commissioners to be liable for Nuisances.

CLXXXVIII. And be it enacted, That it shall be lawful for the Commissioners to erect on Land to be purchased by them, or otherwise to provide a public Weighing House or Place in or near the said

Weighing and Measuring Houses.

Market Place 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.

Standard Weights and Measures to be kept.

CLXXXIX. 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 Market shall be holden.

Places for weighing Carts and Carriages.

CXC. 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 Town 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.

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

CXCI. And be it enacted, That after sufficient Slaughter-houses for the Accommodation of the said Town 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 said Town, and also by printed Handbills posted on and circulated within the said Town.

Tolls to be taken for the Market.

CXCII. And be it enacted That after any such Market Place as aforesaid shall be open for public Use, it shall be lawful for the Commissioners, if they shall think proper so to do, from Time to Time to demand and take, from any Person occupying or using any Stall, Shed, or Stand in such Market Place, or bringing therein any Cattle, Animal, Provisions, Articles, or Things specified in Schedule (F.) to this Act annexed, such Stallages, 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.

Tolls for the Slaughter-houses.

CXCIII. 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 Schedule (F.) to this Act annexed.

Tolls for weighing and measuring.

CXCIV. 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 the several

several Tolls specified in that Behalf in Schedule (F.) to this Act annexed.

CXCV. 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 Schedule (F.) annexed to this Act; 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.

CXCVI. 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 the Market Place to be 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 Market; and no Stallage Rent or Toll shall be payable in respect of the said 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.

CXCVII. 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 of any Stallage Rent or Toll 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 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.

Tolls may be levied by Distress.

CXCVIII. 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.

Disputes to be settled by a Justice.

CXCIX. And

Penalty for obstructing Collector or Market Keeper.

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

Penalty for refusing to weigh Articles sold in the Market.

CC. And be it enacted, That every Person selling any Meat or other Articles or Things in the 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 Commissioners Machines.

CCI. And be it enacted, That the Driver of every Waggon, Cart, or other Carriage loaded with any Goods brought into the said Town to be sold therein shall, at the Request of the Buyer or Seller of any such 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 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.

Penalty for refusing to weigh Waggons, &c.

CCII. 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.

Penalties on Drivers committing

CCIII. And be it enacted, That every Owner or Driver of any such Waggon, Cart, or Carriage weighed at any Weighing Machine to

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),

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:

For 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:

For 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 Load 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, after the same has been unloaded:

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.

CCIV. And be it enacted, That if the Purchaser of any Goods or Merchandize conveyed in any Waggon, Cart, or Carriage to or within the said Town shall, after such Waggon, Cart, or Carriage, with the Loading thereof, shall have been weighed at any Machine within the said Town, 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.

Penalty on Purchaser committing Fraud in weighing, &c.

CCV. 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,)

Penalties for Frauds committed by the Machine Keeper.

If he shall wilfully neglect, on Application, duly to weigh any Waggon, Cart, or Carriage, with or without Loading, as the [Local.] Case

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.

CCVI. 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, he shall for every such Offence forfeit any Sum not exceeding Five Pounds.

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

CCVII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to demise and let the said Market-place and the said Slaughter-houses, Weighing Houses or Places, and Machines, or any 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 Standings in the Market.

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

Power to assign Lease of Standings.

CCIX. 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 the Term.

Market Days.

CCX. And be it enacted, That the Commissioners shall, after the said Market Place is opened for public Use, hold the Market therein on *Saturday* in every Week.

CCXI. And

CCXI. And be it enacted, That for the better Regulation of the said Market 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,)

Regulation
of Market.

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

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

For regulating the Conduct of the Officers and Servants of the Commissioners, and providing for the due Management of the Affairs of the Commissioners:

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

For regulating the Use of Weights and Measures in the Market 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 in the Market:

For preventing Horses and Carriages travelling or going through the Market Place, or remaining there, or other Nuisances or Obstructions therein, or in the Approaches to the same:

And it shall be lawful for the Commissioners, from Time to Time, as they shall think fit, to repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Laws of *England*, and be reduced to Writing, and be signed by Three at least of the Commissioners, and if affecting other Persons than the Officers and Servants of the Commissioners, be printed and published as herein provided.

CCXII. And be it enacted, That any Person who shall destroy, pull down, injure, or deface any Board in the Market Place to be made under this Act, on which any Stallage, Rent, or Toll to be taken in pursuance of this Act shall be painted, shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Penalty for
pulling down
Toll Boards,
&c.

CCXIII. And be it enacted, That any Person who shall, in the 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.

CCXIV. And be it enacted, That if any Person shall sell or expose or offer for Sale any unwholesome Meat or Provisions in the Market Place to be made in pursuance 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 or Provisions.

Penalty for
exposing un-
wholesome
Meat.

CCXV. And

Penalty and Damages for Nuisances in the Market Places.

CCXV. And be it enacted, That any Person who shall spoil, deface, or injure any Part of such Market Place, or the Buildings, Fences, Stalls, or Standings thereof, or shall in 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.

Commissioners may impose Penalties for enforcing Bye Laws.

CCXVI. 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 Five Pounds 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.

Bye Laws to be confirmed at Quarter Sessions.

CCXVII. And be it enacted, That no such 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 North Riding of the County of *York*; 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 North Riding of the County of *York*, 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.

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

CCXVIII. 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.

Publication of Bye Laws.

CCXIX. 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.

CCXX. And

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

Bye Laws to be binding on all Parties.

CCXXI. 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 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.

Proof of making Publication of Bye Laws.

CCXXII. 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.

Penalty for damaging Boards fixed for Publication of Bye Laws.

CCXXIII. 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.

Appointment of Constables.

CCXXIV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to purchase or rent from any Person any Buildings or Land, and to convert such Buildings into or to build on such Land, Offices, Watch-houses, Lock-up Houses, and other Places necessary for the Purposes of this Act, with all proper Conveniences thereto, and to repair the same from Time to Time, and to furnish and fit up the same, and to employ proper Persons to take care thereof.

Commissioners may provide Offices, Watch-houses, &c.

CCXXV. 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 within the Limits of this Act but within One Mile thereof, the like Powers, and shall be subject to the like Penalties and Forfeitures, as any Constables have or are subject to by the Law of England.

Constables to be sworn in.

[Local.]

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CCXXVI. And

Power to
Two Justices
to dismiss
Constables.

CCXXVI. And be it enacted, That it shall be lawful for 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.

Regulations
of the Com-
missioners to
be observed,
under a Pe-
nalty.

CCXXVII. 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.

Duties of
Constables.

CCXXVIII. 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 Forty Hours.

Penalty for
Neglect of
Duty.

CCXXIX. 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.

Power to
Constables to
take Recogn-
izances.

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

Form of Re-
cognizance.

CCXXXI. 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 Fourteen Days from the Date of such Recognizance; and the Time and Place of such Appearance shall be specified in the Recognizance.

CCXXXII. 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.

Recognizance to be registered and returned to the Justice.

CCXXXIII. 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, and for conveying them before a Justice or Justices to be examined, and for conveying them after Examination to Prison, 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.

Rewards to Constables.

CCXXXIV. 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 One Month.

Penalty on Persons assaulting Constables.

CCXXXV. 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 Victuallers harbouring Constables.

CCXXXVI. 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 of any Kind, shall be drunk, used, or consumed (whether the same shall be kept or retailed therein, or bought or procured elsewhere), who shall knowingly permit or suffer common Prostitutes, reputed

Penalty on Coffee Shop Keepers harbouring disorderly Persons.

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 Ten Pounds.

The Houses of convicted Coffee Shop Keepers to be open to Police at all Times.

CCXXXVII. 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 and 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.

Power to levy Rates.

CCXXXVIII. 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 First *Friday* in *July*, or oftener if they shall think it necessary, to make One or more equal Rate or Rates, Assessment or Assessments, to be signed by the Commissioners, upon the Occupiers of all Houses, Shops, Workshops, Warehouses, Coach-houses, Offices, Cellars, Buildings, Ship Yards, Timber Yards, Brick Fields, Brick Yards, Tan Yards, Docks, Wharfs, Staiths, Gardens, Lands, Tenements, Hereditaments, or other Property whatsoever, for or in respect of which the Person in the Occupation thereof shall for the Time being be rated or assessed to the Relief of the Poor within the Limits of this Act: Provided always, that Owners and Occupiers of Houses, Buildings, and Property, other than Land, shall be rated at and pay a Rate in the Pound Three Times greater than that at which the Owners and Occupiers of Land shall be rated at and pay for the Purposes of this Act: Provided always, that such Rates or Assessments shall not exceed in any One Year the Sum of Two Shillings in the Pound on the annual Value of Houses, Buildings, and Property other than Land, except as is next herein after provided.

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

CCXXXIX. And be it enacted, That if it shall at any Time appear that the said Sum of Two Shillings 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 Two Shillings and Sixpence in the Pound on such annual Value as last aforesaid: Provided always, that Notice of the Intention of the

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 usually circulated within the Limits of this Act.

CCXL. Provided always, and be it enacted, That it shall be lawful for the Commissioners and they are hereby required, whenever, according to the Rate made for the Relief of the Poor, one and the same Person shall be rated in One Sum in respect of Land, and also of Houses, Buildings, and other Property, to cause such Land, and also such Houses, Buildings, and other Property, to be separately assessed, and the Amount of Rate hereby authorized to be levied shall be assessed accordingly: Provided always, that every Courtyard or Garden (such Garden not being a Market Garden) shall be included in and made Part of the Assessment to be made on the House, Buildings, or other Property to which they may be respectively attached: Provided also, that every Rate made under this Act shall be made in the same Form and contain the same Particulars as is now or shall for the Time being be by Law required in Rates made for the Relief of the Poor, and shall be allowed by Two Justices, and published in like Manner as Poor's Rates are by Law allowed and published.

Land and Houses to be rated separately.

CCXLI. 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.

Rates to be vested in the Commissioners.

CCXLII. 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.

Value of Property to be according to Poor Rate.

CCXLIII. 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 Townships of *Middlesbrough* and *Linthorpe*, and the 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 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.

Poor Rates to be open to Inspection by Commissioners.

CCXLIV. 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.

Rate Books to be Evidence.

CCXLV. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to amend any Rate made by virtue of this Act, by inserting therein the Name of any Person who ought
[Local.] 17 D to Rates may be amended.

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 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 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 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: Provided also, that all Rates made under or by virtue of this Act shall be subject to Appeal in such and the same Manner as Rates made for the Relief of the Poor.

Occupiers
may be rated,
if they think
fit.

CCXLVI. 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 as long as he shall duly pay the said Rates.

Rates to be
recovered by
Action or by
Distress.

CCXLVII. 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 no sufficient Cause for the Nonpayment 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.

CCXLVIII. 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.

CCXLIX. 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
Justices to
remit Rate.

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

CCLI. And be it enacted, That the Owners of all occupied rateable Property within the Limits of this Act, the yearly Rent or Value whereof respectively shall not exceed Twenty Pounds, or which shall be let to weekly or monthly Tenants, or 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 Rate in certain Cases.

CCLII. 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.

CCLIII. 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 shall be deemed the "Owner" of the same for the Purposes of such rating.

Receiver of Rents to be deemed the Owner.

CCLIV. 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.

CCLV. 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.

CCLVI. 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.

CCLVII. And

Remedy
against Per-
sons quitting
before Pay-
ment of
Rates.

CCLVII. 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 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.

CCLVIII. And be it enacted, That when any Rate shall have been made for a particular Period, 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, and that the Justices shall be and they are hereby authorized to make such Apportionment in like Manner as they are now by Law in similar Cases authorized to apportion Rates made for the Relief of the Poor.

Persons en-
tering on un-
occupied
Property to
pay a Portion
of the Rate.

CCLIX. 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,
Quarter Ses-
sions may
amend Rate.

CCLX. 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 of the Peace 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.

Damages to
be ascer-
ained with
the Penalty.

CCLXI. 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 Nonpayment 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.

CCLXII. And

CCLXII. 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, or Damages 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, Charges, or Damages by this Act directed or authorized to be paid shall, in case of Nonpayment thereof, or of any Dispute about the same, be ascertained and determined by One or more Justices, and the same shall be levied by Distress.

Provision for Damages not otherwise provided for.

CCLXIII. 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 and Chattels of the Commissioners vested in them by virtue of their Office; and if no sufficient Goods and Chattels of the Commissioners can be found, then the same shall be recovered by Attachment of any Tolls, Rates, Rents, or other Monies to arise by virtue of this Act; but no such Distress shall issue against the Goods of such Commissioners, nor shall any such Tolls, Rates, Rents, or other Monies be attached, unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to the Commissioners.

Recovery of Money from Commissioners,

CCLXIV. 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.

Liability to Rates not to disqualify Witnesses or Justices.

CCLXV. 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, either on Oath or not, 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 a true Copy thereof 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 them; and upon Proof of the Offence, either by the Confession of the Party complained against, or upon the Oath of

Penalties to be recovered summarily before One Justice or more.

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 Justices shall think fit.

Penalties may be levied by Distress.

CCLXVI. 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 or more Justices shall issue their Warrant of Distress accordingly.

Imprisonment in default of Distress.

CCLXVII. And be it enacted, That it shall be lawful for the Justices 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 gives sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of the Justices, for his Appearance before them 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 Justices, by the Admission of the Offender or otherwise, that no sufficient Distress can be had whereon to levy such Penalty or Forfeiture and Costs, they may, if they think 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 the Justices, then such Justices shall by Warrant cause such Offender to be committed to the House of Correction for the County or Riding where such Offence shall have been committed, there to remain, without Bail, for any Time not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Application of Penalties.

CCLXVIII. 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 Justices by whom any such Penalty or Forfeiture shall be imposed shall award one Half thereof to the Informer or any Person suing for the same, 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.

Penalties to be sued for within Six Months.

CCLXIX. 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.

Justices may administer an Oath.

CCLXX. And be it enacted, That any Justice may administer an Oath to any Person appearing as a Witness before him in any Matter of which he shall have cognizance by means of this Act.

CCLXIX. And

CCLXXI. And be it enacted, That it shall be lawful for any Justice to summon any Person as a Witness to testify the Truth in any Matter of which he shall have cognizance by means of this Act; and if any Person who shall be summoned as a Witness before any Justice touching any such Offence committed against this Act, or any Bye Law made by virtue thereof, or any other Matter, shall, without any 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 on Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Penalty on
Witness
making
default.

CCLXXII. And with respect to Offenders whose Names and Residences are not known, be it enacted, That any Officer or Servant of the Commissioners, and all Persons called by such Officer or Servant 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 Servant, 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.

Transient
Offenders.

CCLXXIII. 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 (G.) to this Act annexed.

Form of
Conviction.

CCLXXIV. 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 in any of the Superior Courts.

Informalities.

CCLXXV. And be it enacted, That where in this Act any Sum of Money, whether in the Nature of Penalty, Costs, 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 (if any) 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,
how to be
levied.

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

Distress not
to be unlaw-
ful for Want
of Form.

CCLXXVII. And

Parties may appeal to Quarter Sessions on giving Security.

CCLXXVII. And be it enacted, That if any Person shall think himself aggrieved by any Rate made, or any Determination or Adjudication of any Justice in Petty Sessions, or otherwise, under the Provisions of this Act, or by any Order or Proceeding of the Commissioners, he may appeal to the General Quarter Sessions for the Riding or 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 Determination or Adjudication, 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 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.

Court to make such Order as they think reasonable.

CCLXXVIII. 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, quash, or amend the Rate, and confirm or quash any 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 Adjudication and of the Appeal as they may think reasonable.

Costs.

Application of Monies to be borrowed.

CCLXXIX. 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.

Application of the Rates.

CCLXXX. 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, 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 the Payment to the Surveyor of the Highways of the Township of *Linthorpe* of the Rate or Assessment herein-before directed, 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, 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.

Money borrowed to be repaid, with Interest,

CCLXXXI. And be it enacted, That if any Person or Persons shall advance, pay, or lend any Money towards defraying the
7
Expence

Expence of obtaining and passing this Act, he, she, or they shall be repaid the same, together with Interest for the same, at a Rate not exceeding Five Pounds *per Centum per Annum*, out of the first Monies to be raised by virtue of this Act.

CCLXXXII. 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,) Interpreta-
tion 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 Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:

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 for the County or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter:

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

The Word "Lands" shall extend to Messuages, Buildings, Lands, Tenements, Hereditaments, and other Property of any Tenure or Description whatsoever:

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

CCLXXXIII. And be it enacted, That if Her Majesty, under or by virtue of the Powers for that Purpose granted or to be granted to Her by any Act or Acts of Parliament passed or to be passed for the Regulation of Municipal Corporations in *England* and *Wales*, shall be pleased at any Time hereafter to grant to the Inhabitant Householders of the said Town of *Middlesbrough* a Charter of Incorporation, extending to them, within a District to be set forth in such Charter, the several Powers and Provisions contained or to be contained in such Act or Acts, and a Council of the Borough to be constituted by such Charter of Incorporation shall be duly elected under the Provisions and according to the Directions to be contained in such Charter, then and in such Case, and immediately after the Election of such Council, all and every the Powers and Authorities by this Act vested in the Commissioners appointed or to be appointed under this Act shall be and become and they are hereby declared to be vested in the Body Corporate of such Borough, and such Body Corporate shall thenceforth be the Commissioners for executing by the Council of such Borough the several Powers, Authorities, and Provisions of this Act; and the Members of the Council of such Borough shall have the same Powers and Authorities,

Vesting Powers of Commissioners in the Council of the Borough, in the event of a Charter of Incorporation being obtained by the Town.

and be subject to the same Duties, as if their Names had been originally inserted in this Act as Commissioners, or as if they had been appointed under the Provisions of this Act to be such Commissioners.

Saving Rights
of Tees Na-
vigation
Company.

CCLXXXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, impeach, abridge, restrain, alter, prejudice, or affect any Powers, Privileges, or Advantages whatsoever of or belonging to the *Tees Navigation Company*, or of any Person or Persons claiming under them, but saving and reserving to the said *Tees Navigation Company*, or any Person or Persons claiming under them or any of them, all such Privileges, Advantages, and Interests as they or any of them had, exercised, and enjoyed before the passing of this Act, or as they could or might have had, exercised, and enjoyed if this Act had not been passed.

Saving Rights
of the Bishop
of Durham.

CCLXXXV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, impeach, abridge, restrain, alter, prejudice, or affect any Rights, Estates, Anchorage, Plankage, or other Duties, Tolls, Customs, Powers, Jurisdictions, Privileges, or Advantages whatsoever of or belonging to the Lord Bishop of *Durham*, or his Successors, or any Person or Persons claiming under him, them, or any of them.

Saving Rights
of Thomas
Hustler,
Esquire.

CCLXXXVI. Provided always, That nothing in this Act contained shall extend or be construed to extend to take away, abridge, prejudice, or affect any Manorial or other Rights, Powers, or Privileges of or belonging to and heretofore exercised by *Thomas Hustler Esquire*, Lord of the Manor of *Acklam* in the said North Riding, but that the same shall and may continue to be held, enjoyed, and exercised by him, his Heirs and Assigns, Lords of the said Manor for the Time being, in such and the same Manner as they have hitherto been, any thing herein-before contained to the contrary notwithstanding.

General
Saving.

CCLXXXVII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other other Person and Persons, and Body and Bodies Politic, Corporate, and Collegiate, and his, her, and their Heirs, Successors, Executors, and Administrators, all such Rights, Estates, Titles, and Interests as they respectively had held, enjoyed, or possessed before the passing of this Act, or would or ought to have held, enjoyed, or possessed in case this Act had not been passed, of, in, to, or in respect of the Lands comprised within the Limits of this Act, and of, in, and to any Dues, Profits, Emoluments, Easements, and Advantages, and all Remedies and Powers for recovering and enforcing Payment or Compensation for the same, except so far as such Rights, Estates, Titles, Interests, Dues, Profits, Emoluments, Easements, and Advantages are by this Act altered, lessened, prejudiced, defeated, or impeached, but not further or otherwise.

Public Act.

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

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SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Mortgage Deed.

By virtue of an Act passed, &c., intituled, &c., we of the Commissioners appointed by [or by virtue of] the said Act, in consideration of the Sum of _____ paid to the Treasurer to the said Commissioners 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, Tolls, Rents, 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, Tolls, Rents, 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, &c., intituled, &c., we, being of the Commissioners appointed by the said Act, in consideration of the Sum of _____ paid by *A.B.* to the Treasurer to the said Commissioners, do grant unto the said *A.B.* an Annuity or yearly Sum of _____ to be issuing out of the Rates, Tolls, Rents, 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], upon the _____ Day of _____ and the _____ Day of _____ in every Year during his natural Life [or, as the Case may be, during the natural Life of the said _____ or of the said _____ and _____ 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 _____ .

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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 Mortgage, Number _____ [or a certain Grant of Annuity, Number _____ as the Case may be], made by the Commissioners for executing the [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, Tolls, Rents, or Assessments thereby assigned. In witness whereof I have hereunto set my Hand and Seal 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 Middlesbrough Improvement Commissioners or to *A.B.* of _____ and *C.D.* of _____ Two Trustees appointed to receive the same], pursuant to an Act passed, &c., intituled, &c., by the said Commissioners, do hereby convey to the said Commissioners, their Successors and Assigns, all [describing the Premises to be conveyed], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey; to hold the Premises to the said 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 One thousand eight hundred and _____.

SCHEDULE (E.)

Form of Warrant of Distress.

to wit. } To _____ One of the Collectors of
the Rates under an Act passed, &c. intituled, &c., and
to all Constables.

Whereas the under-mentioned Persons, now or late Owners or Occupiers of Premises within the _____ have been
1 _____ duly

duly rated in or are liable to the Payment of a Rate made on the
 Day of _____ under the Authority of
 this 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 suffi-
 cient 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.)

Tolls payable.

For every covered and uncovered Shed, Stall, Bulk, Block, Trestle, Standing-place, or Station used by any Person for exposing to Sale Flesh Meat, Cheese, Bacon, Pickled Pork, Fish, or any other live or dead Victuals, Fruit, Glass, Earthenware, or other Goods, Article, Commodity, or Thing whatsoever (except as herein otherwise specifically charged), the following Tolls per Day shall be taken :

- Not exceeding Six Feet by Five Feet, Sixpence.
- Not exceeding Nine Feet by Five Feet, Nine-pence.
- Not exceeding Twelve Feet by Five Feet, One Shilling ; and for every Three Feet above for Stations, only One Penny Halfpenny in addition :
- On uncovered Stalls the same Excess of Tolls for an Increase of Width beyond Five Feet as in the Case of covered Stalls.

[Local.]

17 G

Carts,

Carts.

For every Cart used by any Person for exposing or in which shall be exposed to Sale any Article, Commodity, or Thing, the following Tolls per Day :

If drawn by One Horse, Nine-pence ; by Two Horses, One Shilling :

Waggons used for the like Purpose, One Shilling and Nine-pence per Day.

Butter.

For every Basket, Parcel, or Quantity of Butter not exceeding Twelve Pounds Weight, One Penny per Day.

For each additional Six Pounds Weight, One Penny per Day.

Poultry and Pigs.

For Poultry, including Fowls, Chickens, and Ducks, Wild Fowls, Pigeons, and Rabbits ; *videlicet*,

Not exceeding Three Couple, One Penny per Day :

For each additional Three Couple, One Penny per Day :

For every Turkey, Goose, Hog, or Pig, One Penny per Day :

Eggs.

For every Basket, Parcel, or Quantity of Eggs under One Dozen, One Halfpenny :

For each additional Dozen, One Halfpenny.

The Cattle Market.

For the Exposure to Sale of Horses or other Beasts, Cattle, or Pigs, as follows ; (that is to say,)

For every Horse, Mare, or Gelding, Four-pence :

For every Colt or Filly, Two-pence :

For every Mule or Ass, One Penny :

For every Bull, Ox, Cow, Heifer, or Steer, Two-pence :

For every Calf, One Penny :

For every Score of Sheep or Lambs, Ten-pence :

For every Score of Pigs, Ten-pence :

For every Score of Sucking Pigs, Two-pence :

And so in proportion for any greater or smaller Number ; and One or more, not exceeding Five, to be paid for as a Quarter of a Score.

Weighing and Measuring.

For weighing every Piece of Meat or Thing weighing not more than Twenty Pounds Avoirdupois, One Halfpenny :

For weighing every Piece of Meat or Thing weighing more than Twenty Pounds and not exceeding One hundred Pounds, One Penny :

And so in proportion for any greater or smaller Quantity than One hundred Pounds Weight over and above One hundred Pounds Weight :

For

For measuring every Quantity of Goods and Things sold by Measure, not exceeding One Bushel, One Halfpenny :

For measuring every Quantity more than a Bushel and not exceeding Two Bushels, One Penny :

And for every Bushel beyond Two Bushels, One Halfpenny.

Slaughterhouse.

For every Bull, Ox, Cow, Bullock, Steer, or Heifer, One Shilling :

For every Calf, Sixpence :

For every Sheep or Lamb, Three-pence :

For every Hog or Pig, Four-pence :

For any other Beast, One Shilling.

Weighing Machines.

For weighing any Cart, Waggon, or other Carriage not exceeding One Ton, Three-pence.

And so in proportion for any greater or smaller Weight than One Ton.

General Tolls.

For every Basket, Hamper, Parcel, or Quantity of any other Goods, Commodity, Article, or Thing exposed or offered for Sale there, not before specifically charged or enumerated, or falling within any of the preceding Heads ; (that is to say,)

Not containing more than One Bushel, One Penny :

Every additional Half Bushel, One Halfpenny.

SCHEDULE (G.)

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 and Place when and where committed], contrary to an Act passed in the Fourth Year of the Reign of Queen Victoria, intituled "An Act" [here insert the Title of this Act]. Given under my Hand and Seal the Day and Year first above written.

C. D.

SCHEDULE (H.)

Form of Notice of diverting, &c. Highway.

Notice is hereby given, That on the _____ Day of _____
 next Application will be made to Her Majesty's Justices of the Peace assembled at Quarter Sessions in and for the North Riding of the County of York at Northallerton, for an Order for _____

for [if the Order be for turning, diverting, and stopping up, &c. here to state it, and describe the Road ordered to be turned, diverted, and stopped up; if the Order be for stopping up a useless Road, here to state it, and describe the Road ordered to be stopped up], and that the Certificate of Two Justices having viewed the same, &c., with the Plan of the old and proposed new Highway, will be lodged with the Clerk of the Peace for the said North Riding on the Day of

next.

A. B., Clerk to the Commissioners
for the Improvement of the Town of Middlesbrough.

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