



ANNO SEXTO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## Cap. ii.

An Act for lighting the Streets and public Roads  
within the Town and County of the Town of  
*Nottingham.* [3d April 1843.]

**W**HEREAS an Act was passed in the Second Year of the  
Reign of His Majesty King George the Third, intituled  
*An Act for the enlightening the Streets, Lanes, and Passages* 2 G. 3. c. 47.  
*within the Town and County of the Town of Nottingham:* And whereas  
another Act was passed in the First and Second Years of the Reign  
of His Majesty King George the Fourth, intituled *An Act to alter, amend, and enlarge the Powers of an Act of the Second Year of His* 1 & 2 G. 4.  
*late Majesty's Reign, intituled 'An Act for the enlightening the Streets,* c. 70.  
*' Lanes, and Passages within the Town and County of the Town of*  
*' Nottingham:'* And whereas since the passing of the said Acts the  
Buildings of the said Town and County of the Town of *Nottingham*  
have considerably increased: And whereas the Powers and Provisions  
of the said recited Acts have been found insufficient and inconve-  
nient for effecting the Purposes thereby intended, and in many  
respects defective: And whereas the Limitation contained in the  
lastly-recited Act, that no larger Sum than One thousand Pounds  
should in any One Year be raised or collected under or by virtue of  
either of the said Acts, has prevented the effectual Execution of the  
said Acts, and has caused an Accumulation of Debt which cannot  
be discharged: And whereas it is expedient that the said recited Acts  
[Local.] F. should



Recited Acts  
repealed.

should be repealed, and that further, better, and more effectual Powers should be granted instead thereof, for better lighting the said Town, and that Provision should be made for assessing and collecting Rates within the said Town for such Purposes; but the Purposes aforesaid cannot be 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 this present Parliament assembled, and by the Authority of the same, That this Act shall commence and take effect upon the Second *Monday* next after the passing thereof; and thereupon the said recited Acts passed in the Second Year of the Reign of His Majesty King *George* the Third and in the First and Second Years of the Reign of His Majesty King *George* the Fourth shall be and the same are hereby declared to be repealed.

Vesting the  
Rates and  
Property  
under the  
repealed  
Acts.

II. And be it enacted, That all Rates due or in arrear from any Person, and all Monies due to and all Property and all Choses in Action vested in the Directors and Trustees under the said recited Acts hereby repealed, at the Time of the Repeal thereof, and all Contracts, Bonds, and Engagements entered into with or to the said Directors and Trustees under the said recited Acts, by the *Nottingham* Gas Light and Coke Company, or by any other Company or Person, shall, immediately upon the Commencement of this Act, be vested in the Town Lighting Committee herein-after mentioned, who may sue for, recover, and enforce the same and act in respect thereof as effectually as if the same had been vested in or entered into with them under the said recited Acts or this Act, subject to the Payment thereout of all the Debts and Liabilities to which the Directors and Trustees under the said recited Acts were liable at the Time of the Repeal thereof.

Vesting the  
Lamp Furni-  
ture provided  
under the  
repealed  
Acts.

III. And be it enacted, That all Lamps, Lamp Irons, Lamp Posts, Goods, Chattels, Effects, Materials, Implements, Matters, and Things for and concerning the lighting of the said Town provided by or vested in the Directors and Trustees under the said recited Acts at the Time of the Repeal thereof shall be the Property of and they are hereby vested in the said Town Lighting Committee, for the Purpose of and to be used for lighting the said Town by this Act authorized to be lighted.

Officers un-  
der former  
Acts to hold  
their Situa-  
tions until  
removed.

IV. And be it enacted, That all Clerks, Treasurers, Surveyors, Collectors, and other Officers appointed by virtue of the said recited Acts hereby repealed, or either of them, and not acting contrary to the Provisions and Directions in this Act contained, shall hold and enjoy their respective Offices and Employments, together with their respective Salaries, Gratuities, and Allowances thereunto annexed, until they shall be respectively removed therefrom by the Committee acting in the Execution of this Act; and every such Officer and Person shall while he shall continue in Office be subject to the like Penalties and Powers of Removal, and to the like Rules, Regulations, and Proceedings, as if he had been appointed by virtue of this Act; and every such Clerk, Treasurer, Surveyor, Collector, and



other Officer who shall have in his Custody or Possession any Money collected or received by virtue of the said recited Acts hereby repealed, or either of them, or any Books, Deeds, Papers, Writings, or Effects belonging to the Directors or Trustees acting in the Execution of the said recited Acts, or relating to the Execution of the same Acts or this Act, shall be liable to account for such Monies, and to deliver up all such Books, Deeds, Papers, Writings, or Effects to the Committee acting in execution of this Act, or to such Person as they shall appoint to receive the same, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as if such Clerks, Treasurers, Surveyors, Collectors, and other Officers had been appointed by the said Committee, and shall be liable to the Payment of and shall pay all such Monies to the said Committee or to their Treasurer, and shall be subject to the Provisions of this Act for the Recovery thereof in case of Refusal or Neglect to pay.

V. And be it enacted, That the Watch Committee for the Time being appointed by the Council of the Town and County of the Town of *Nottingham*, under and by virtue of the Provisions of the Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, together with Twenty-one Persons herein-after appointed, or authorized to be from Time to Time appointed, shall be the Members of a Committee for carrying this Act into execution within the said Town, and the same shall be called the Town Lighting Committee; and such Town Lighting Committee shall carry the Powers of this Act into execution; and such Committee may appoint out of its own Body from Time to Time such and so many Sub-Committees, consisting of such Number of Persons as it may think fit, for any Purposes concerning the Execution of this Act and the several Powers thereof which in the Discretion of such Committee would be better regulated and managed by the Means of such Sub-Committees.

Committee  
and Sub-  
Committees.

5 & 6 W. 4.  
c. 76.

VI. And be it enacted, That the Reverend *J Butler*, Alderman *Thomas Knight*, *Luke Hardy*, *James Worth*, *Thomas Hollins Smith*, *John Brewster*, *George Phelps*, *George Parkin*, *William Musham*, *John Smith*, *Henry Attenborough*, *William Sewell Shuttleworth*, *John Wigglesworth*, *Smith Fowler*, *William Sykes Holmes*, *John Hoyles*, *John Bywater*, *John Fillingham Bishop*, *Joseph Johnson*, *Alexander Lacey*, and *Henry Rideout* shall be the first Twenty-one Members of the Committee, in addition to the Watch Committee, and shall continue in Office as herein-after mentioned.

First Com-  
mittee-men.

VII. And be it enacted, That every Committee-man elected under this Act shall be a resident Inhabitant of the said Town, and shall at the Time of his Election be rated in some Rate made for the Relief of the Poor in the said Town upon the annual Value of Thirty Pounds or upwards.

Qualification  
of Com-  
mittee-men.

VIII. 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 Committee-man.

No Bankrupt  
or Insolvent  
to be a Com-  
mittee-man.

IX. And

Shareholders  
in Gas Com-  
panies dis-  
qualified.

IX. And be it enacted, That no Person being a Shareholder of a Company or Partnership supplying Gas within the Limits of this Act shall be eligible to be appointed a Committee-man, nor shall any Member of the Watch Committee, being such Shareholder, be qualified to act upon the said Town Lighting Committee.

Committee-  
man not in-  
capable of  
acting as  
Justice.

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

No Person  
holding  
Office or con-  
cerned in a  
Contract to  
be a Com-  
mittee-man.

XI. And be it enacted, That if at any Time subsequently to the Appointment or Election of any Committee-man he shall become a Shareholder or Member of a Gas Company supplying Gas within the Limits of this Act, or 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 Committee-man, and his Office shall thereupon become vacant.

Declaration.

XII. And be it enacted, That no Person shall be capable of acting as a Member of such Committee, except in administering the Declaration herein-after mentioned, until he shall have made and signed before One of the Committee 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 Member of the Committee appointed by virtue of an Act of Parliament, intituled [*here insert the Title of the Act*], and [*unless such Committee-man be a Member of the Watch Committee of the said Town*] also that I am a resident Inhabitant within the said Town, and am now rated in a Rate made for the Relief of the Poor within the said Town, upon the annual Sum of Thirty Pounds or upwards.’

False Decla-  
ration a Mis-  
demeanor.

XIII. 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.

Declaration  
to be taken  
at the First  
Meeting.

XIV. And be it enacted, That at the Meeting of the Committee at which any Person shall first attend as One of such Committee such Person shall make and subscribe the Declaration herein required, and it shall be lawful for any Person attending as one of such Committee, whether he shall himself have made such Declaration or not, to administer such Declaration.

Penalty on  
Committee-  
man not  
being quali-  
fied acting.

XV. And be it enacted, That if any Person shall act as a Member of such Committee 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



be recovered, with full Costs of Suit, in any of the Superior Courts, 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 had acted as a Member of the Committee in the Execution of this Act; nevertheless, all Acts and Proceedings of any Person acting as a Committee-man being incapacitated, not duly qualified, or being disqualified, done previously to the Recovery of the Penalty, shall be as valid as if such Person had been duly qualified.

XVI. And be it enacted, That the Committee-men appointed by this Act, not being Members of the Watch Committee, shall go out of Office by Rotation as follows; (that is to say,) in the Month of *May* in the Year One thousand eight hundred and forty-four One Third of such Committee-men shall go out of Office, and at the same Time in the following Year One Half of the remaining Committee-men shall go out of Office, and at the same Time in the following Year the Remainder of the Committee-men shall go out of Office, and at the same Time in every subsequent Year One Third of the Committee-men, not being Members of the Watch Committee, being those who have been longest in Office, shall go out of Office, and in each Instance the Places of the retiring Committee-men shall be supplied by the Election of a similar Number of Committee-men, as herein-after provided.

Period of Service, and Time of going out of Committee-men.

XVII. And be it enacted, That every Committee-man 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 Committee-man.

Committee-men re-eligible.

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

Rotation of Committee-men.

XIX. And be it enacted, That every Person who shall be rated and assessed to the Relief of the Poor upon the annual Value of  
[*Local.*] G Five

Qualification of the Electors.



Five Pounds Ten Shillings and upwards within the Town and County of the Town of *Nottingham*, and shall be liable to be rated and assessed under this Act, shall be entitled to vote in the Election of the Committee to supply the Places of those retiring by Rotation.

Manner of  
supplying  
periodical  
Vacancies.

XX. And be it enacted, That for the Purpose of such Election a Meeting of the Persons entitled to vote thereat as aforesaid shall be held at the Guildhall in the said Town upon the First *Monday* in the Month of *May* in each Year, at Eleven of the Clock in the Forenoon, and at the Hour aforesaid the Persons by whom such Election is to be made shall respectively deliver to some Person authorized for that Purpose by the Committee a Paper containing the Names of the Persons for whom they respectively vote to fill the Office of Committee-men; and the Persons, not exceeding the Number of Committee-men proper to be elected at such Meeting, having the Majority of Votes at such Election, shall be Members of the Committee for the Purpose of carrying this Act into execution; and if at any such Election there be an Equality for Two or more Persons, such Persons as aforesaid shall, if necessary to prevent an Excess in the Number of Committee-men, decide by Lot upon the Person to be elected: Provided always, that if no such Meeting shall take place, or if Committee-men shall not be elected thereat, the Committee-men who would then have retired from Office shall continue in Office, and be the Committee-men to retire in the succeeding Year.

Mode of sup-  
plying occa-  
sional Vacan-  
cies.

XXI. And be it enacted, That if any of the Members of the Committee, except the Members of the Watch Committee, die or resign, or be disqualified, or cease to be a Member of the Committee from any other Cause than that of going out of Office by Effluxion of Time, it shall be lawful for a Majority of the Committee, if they think fit, to elect another Committee-man to his Place, and every Committee-man 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.

First and  
other Meet-  
ings.

XXII. And be it enacted, That the Town Lighting Committee shall hold their First Meeting at some convenient Place in the said Town as soon as conveniently may be after the Commencement of this Act, or after their Appointment, and proceed to put this Act into execution; and it shall be lawful for the Committee-men present at such First or any subsequent Meetings from Time to Time to adjourn such Meetings to the same or any other Place within the said Town; and if at any such Meeting there shall not be Seven Committee-men present within One Hour after the Time appointed for such Meeting, then it shall be lawful for the Members of the Committee present, or any One Committee-man, 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 Committee, or their 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.



XXIII. And be it enacted, That it shall be lawful for the Committee to hold Special Meetings, and any Two or more of the Committee 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.

XXIV. And be it enacted, That all Powers of this Act may be exercised by any Seven or more of the Members present at any Meeting holden in pursuance of this Act, and no Business shall be transacted at any Meeting unless Seven or more of the Committee shall be present at such Meeting. Quorum of Committees.

XXV. And be it enacted, That all Notices of any Meeting of the Committee to be held under the Authority of this Act shall be given by Advertisement in One of the Newspapers published in the said Town of *Nottingham*, or by Letter, which shall be delivered at or sent by the Post to the usual Place of Abode of each of the Committee; and every Notice shall specify the Time and Place of Meeting, and in case of a Special Meeting shall specify the Object thereof; and no Business shall be transacted at any Special Meeting except such as is stated in the Notice thereof. How Notices of Meetings are to be given.

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

XXVII. And be it enacted, That at every Meeting of the Committee One of the Committee-men present shall be elected Chairman by the Majority of the Votes of the Committee-men 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 Committee-man, 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 Committee having such Equality of Votes whose Name would stand first if the Names of the Committee present were alphabetically arranged shall be Chairman of such Meeting. Order of Business at Meetings of Committees.

XXVIII. And be it enacted, That it shall be lawful for the Committee, by their Clerk, to prefer any Bill of Indictment or Information against any Person who shall steal, take, or carry away, deface, or injure any Property, Article, or Thing belonging to the Committee; and in any such Bill of Indictment or Information it shall be sufficient to state generally the Property, Article, or Thing in respect of which such Bill of Indictment or Information shall be preferred to be the Property of the Committee for executing this Act, without naming the Members of the Committee. Indictments how to be preferred.

XXIX. 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 Committee, for any of the Purposes of this Act, shall extend to charge or affect the Persons of the Committee, or their Heirs, Executors, Committee-men not to be personally liable.



Liability of  
their Funds.

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 Instrnment, or which any such Committee-man shall otherwise be put to by virtue of this Act, shall respectively be discharged out of the Monies to arise by virtue of this Act, or other the Goods and Chattels vested in such Committee by virtue of their Office, unless such Action or Suit, or any such Damages or Charges, have arisen in consequence of wilful Neglect or Default on the Part of the Committee, or unless such Action or Suit have been defended without the Order or Direction of such Committee.

Actions or  
Suits to be  
brought in  
the Name of  
any Two  
Committee-  
men or the  
Clerk.

XXX. 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 Committee it shall be sufficient to state the Names of any Two of the Members of the Committee, or the Name of their Clerk, as the Party, Plaintiff or Defendant, representing the Committee in any such Action or Suit; and no such Action shall abate or be discontinued by the Death of any such Committee-men, or by the Death, Suspension, or Removal of such Clerk.

Executions.

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

Indemnity to  
Committee  
and Clerk.

XXXII. And be it enacted, That every such Committee-man or Clerk in whose Name any such legal Proceedings shall be carried on, either as Plaintiff or Defendant, on behalf of the Committee, shall be reimbursed out of the Monies which shall come into the Hands of the Treasurer to be appointed or continued by virtue of this Act, by virtue of his Office, all Damages, Costs, Charges, and Expences, to which any such Committee-man or Clerk may be put, or with which he may become chargeable, by reason of being so made Plaintiff or Defendant; and no such Committee-man 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 Committee-men, or more, as aforesaid, it have been so brought without the Order or Direction of the Committee.

Proceedings  
to be entered  
in a Book,  
and be open  
for Inspec-  
tion.

XXXIII. And be it enacted, That the Committee shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all Meetings, as well ordinary as special, to be duly entered in Books to be from Time to Time provided for the Purpose, which shall be kept under the Superintendence of the Committee; and every such Entry shall be signed by the Chairman of the Meeting at which the Matter in respect of which such Entry is made was moved or discussed; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices,  
and



and others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Members of the Committee, or of the Signature of the Chairman, all of which last-mentioned Matters shall be presumed; and all such Books shall at all reasonable Times be open to the Inspection of the Committee and any of the Rate-payers within the said Town, or other Parties interested.

XXXIV. And be it enacted, That the Committee shall appoint some Person to be Treasurer for the Purposes of this Act, and may remove such Treasurer at their Pleasure.

Appointment  
of Treasurer.

XXXV. And be it enacted, That the Committee shall from Time to Time appoint a Clerk and Collectors, with such Salaries and Allowances as they think reasonable, and may remove such Clerk and Collectors, and appoint others in their Stead.

Committees  
to appoint  
other Officers.

XXXVI. 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 the 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,)

Offices of  
Clerk and  
Treasurer to  
be separate.

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

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

If any Person, being the 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 Committee 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.

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

Officer tak-  
ing Fees to  
lose his Office,  
and forfeit  
50l.

[*Local.*]

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XXXVIII. And



Committees  
to take Security from all  
Officers intrusted with  
Money.

XXXVIII. And be it enacted, That the Committee shall take from the Treasurer and 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 Committee 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 Committee so to do, of all Monies by them respectively received or collected for the Purposes of this Act, and when, of whom, and for what the same were so received or collected.

Officers to  
account.

XXXIX. And be it enacted, That every Officer appointed or employed by the Committee by virtue of this Act shall from Time to Time when required by the Committee 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 such Committee; 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 Committee, 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.

Remedy  
against Of-  
ficers failing  
to account.

XL. And be it enacted, That if any such Officer shall fail to render such Accounts, or to produce and deliver up all the Vouchers and the Receipts relating to the same in his Possession or Power, or to pay the Balance thereof when thereunto required, or if for Three Days after being thereunto required he shall fail to deliver up to the Committee, 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 such Committee, then, on Complaint thereof being made to any Justice acting within the Jurisdiction where such Officer may be found, such Justice shall, by Warrant under his Hand and Seal, cause such Officer to be brought before him, or if such Officer cannot be found, then in his Absence any 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 such Committee are in the Hands of such Officer, or owing by him to such Committee, such Justice may order such Officer to pay the same forthwith, and if he shall fail to pay the Amount it shall be lawful for such Justice to grant a Warrant to levy the same by Distress, or in default thereof to commit the Offender to Gaol, there to remain, without Bail, for any Time not exceeding Three Months; and in any of the following Cases; (that is to say,)

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

If



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 such Committee, in his Possession or Power,

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

XLI. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Committee of any Remedy which they might otherwise have against any Surety of such Officer.

Commitment not to discharge Sureties.

XLII. And be it enacted, That the Committee shall cause Books to be kept by their Clerk, in which such Clerk shall enter 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 Committee, and of every Person paying any Rate or Assessment by this Act authorized to be made, without any Fee being demanded for such Inspection; and it shall be lawful for any Committee-man, or any such Persons, 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 Committee 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.

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

XLIII. And be it enacted, That the Accounts of the Monies received and expended by the Committee shall be produced at a Meeting of such Committee which shall take place in *April* 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 Committee, and if the same shall be found just and true they shall be allowed by the Committee, and certified accordingly under the Hand of the Chairman of such Meeting; and after such Account shall have been so allowed and signed the same shall be final in regard to all Persons whomsoever, unless an Appeal be prosecuted against such Accounts at One of the Two then next General Quarter Sessions of the Peace for the Town of *Nottingham*, which Appeal it shall be lawful for any Person interested in such Account to institute and prosecute, Notice in Writing of such Appeal, and the Matter and Cause thereof, having been

Accounts to be settled and examined at the Annual Meetings.



been given to the Committee Fourteen Days at least before the hearing of any such Appeal.

Statement of  
Accounts to  
be prepared,  
and to be  
open for In-  
spection.

XLIV. Provided always, and be it enacted, That Ten Days at the least previously to such Examination and Settlement as aforesaid the Committee shall cause a full and true Statement and Account to be drawn out of all Rates or Assessments made and of all Contracts entered into, and of all Monies received and expended by virtue of this Act, during the preceding Year, and also of all Debts then owing by the Committee, and they shall allow such Statement and Account to remain for Inspection at the Office of the Committee; and every Person paying any Rate or Assessment by this Act authorized to be made, or any Person acting on behalf of any such Rate-payer, may at all reasonable Times inspect such Statement and Account; and the Clerk shall, on Demand, furnish a Copy of such Statement and Account, or any Part thereof, to any Rate-payer, upon being paid at the Rate of Sixpence for every One hundred Words, and so in proportion for a less Number of Words; and Eight Days at the least previous to the Meeting for examining and settling such Accounts the Committee shall give public Notice in some One Newspaper usually circulated in the said Town and Neighbourhood of such intended Meeting, stating in such Notice that the said Statements and Accounts are at the Office of the Committee ready for the Inspection of the Rate-payers or other Persons interested.

Annual Ac-  
count to be  
transmitted  
to the Clerk  
of the Peace.

XLV. And be it enacted, That the Committee shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds levied by virtue of this Act for the Year ending on the Thirty-first Day of *December*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Clerk for the Time being, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the Town and County of the Town of *Nottingham* on or before the Thirty-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 Committee shall omit to prepare such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Service of  
Notice on  
Committees.

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

Authenti-  
cation of  
Notices.

XLVII. And be it enacted, That every Summons, Demand, or Notice, or other such Document under this Act, may be in Writing  
or



or Print, or partly in Writing or Print; and if the same require Authentication by the Committee, the Signature thereof by One of such Committee, or by the Clerk of the Committee, shall be a sufficient Authentication.

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

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

L. And be it enacted, That this Act shall be put in force for the public lighting of the Streets within the Town and County of the Town of *Nottingham*. Limits of the Act.

LI. And be it enacted, That it shall be lawful for the Committee from Time to Time to cause the Streets within the said Town and County, 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, and Lamp Irons as may be necessary for that Purpose, and to fix in any such Street such Pillars and Pilasters and Lamp Posts as they may think proper, and also to lay and place against any Houses, Buildings, and Inclosures such Lamp Posts, Lamp Irons, and Lamps as may be necessary for the Purposes aforesaid: Provided always, that no Lamp, Lamp Post, or Lamp Iron shall be laid or continued against or through any private Building, Inclosure, or Land, except with the Consent of the Owner and Occupier thereof. Committees empowered to light Streets.

LII. And be it enacted, That, subject and without Prejudice to all Contracts in force at the Commencement of this Act, it shall be lawful for the Committee to enter into Contracts, for such Periods as they shall think proper, with any Company or Person, for lighting the said Town, or for the Execution of any Works directed or authorized by this Act to be done by the Committee, and for furnishing any Materials for the same, or which may be required by the Committee; For what Contracts may be made.  
[Local.] I mittee;



mittee; 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 Committee for that Purpose.

Contracts  
how to be  
signed.

LIII. And be it enacted, That every such Contract shall be signed by any Three of the Committee, and the other Parties thereto, or by an Agent on behalf of any Company; and such Contracts shall be binding on the Committee by whom the same is made, and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against such Committee or the other Parties failing in the Execution thereof.

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

LIV. 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 or Information as herein-after mentioned, be described in such Indictment or Information and be held to be the Property of the Town Lighting Committee.

Penalty for  
wilfully  
damaging  
Lamps, &c.

LV. And be it enacted, That if any Person shall wilfully remove, destroy, or damage any Pedestal, Post, Plug, Lamp, or other Apparatus or Thing belonging to the Committee, or shall wilfully extinguish any of the public Lamps and Lights, he shall for each such Offence forfeit to the Committee any Sum not exceeding Five Pounds, and the Amount of Damage occasioned thereby.

Satisfaction  
for accidental  
Damage to  
Lamps, &c.

LVI. And be it enacted, That if any Person shall carelessly or accidentally break, throw down, or damage any Pipe, Pedestal, or Lamp hung out, set up, or belonging to the Committee, and shall not, on Demand, make satisfaction to the Committee for the Damage done, then it shall be lawful for any Justice to summon before him the Person against whom a Complaint shall be thereupon preferred; and upon hearing the Allegations and Proofs on both Sides, or on Non-appearance of the Person so complained against, such Justice may award such Sum of Money by way of Satisfaction to the Committee for such Damages as such Justice shall think reasonable; and in case of Neglect to pay any Sum so awarded within Three Days after Demand, it shall be lawful for such Justice, or any other Justice, to cause the same to be raised and levied by Distress.

Penalty on  
Gas Makers  
for corrupt-  
ing Water  
within the  
Limits of the  
Act.

LVII. And be it enacted, That if any Company or 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,



corrupted, then the Company or Person shall forfeit for every such Offence the Sum of Two hundred Pounds.

LVIII. 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 thereby: 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.

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

LIX. 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 Company or 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 the Company or 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.

LX. And be it enacted, That whenever any Gas shall escape from any Pipe which shall be laid down or set up by any Company or Person making or supplying any Gas within the Limits of this Act, the Company or such Person shall, immediately after receiving Notice in Writing of any such Escape of Gas, prevent such Gas from escaping; and in case the Company or 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 the Company or Person 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.

LXI. And be it enacted, That before any Company or Person shall for any of the Purposes of this Act open any Ground in and upon or near to which any Water Pipe shall have been laid for conveying Water for the Supply of any Building within the Limits of this Act, the Company or Person shall give Three Days previous Notice thereof in Writing to the Proprietor or Person having the Control of such Water Pipe (except in Cases of Emergency arising from Defects in any of the Pipes or other Apparatus, and then so soon after as may be practicable), and shall, under the Inspection of such Proprietor or Person, protect such Water Pipe from any Injury or Damage, and shall repair and make good any Injury or Damage that may be done to any such Pipe on any such Occasion.

For Protection of Water Pipes.

LXII. And



Penalty for  
Failure.

LXII. And be it enacted, That if any Company or Person shall fail to give such Notice, or to protect any such Water Pipe, or to repair or make good any Damage to the same in manner hereinbefore mentioned, they shall forfeit to the Proprietor or Person in respect of whom such Failure shall occur any Sum not exceeding Five Pounds nor less than Two Pounds, together with the Costs and Expences which shall have been incurred by such Proprietor or Person in protecting, or in repairing or making good any Damage that may be done to any Pipe belonging to such Proprietor or Person.

Penalty on  
Gas Makers  
if Water con-  
taminated.

LXIII. And be it enacted, That whenever any Water within the Limits of this Act shall be contaminated by the Gas of any Company or of any Person making or supplying Gas within the Limits of this Act, the Company or 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 Penal-  
ty during the  
Continuance  
of the Conta-  
mination  
after Notice.

LXIV. And be it enacted, That if the Company or the Person so making or supplying any Gas shall not within Twenty-four Hours next after Notice in Writing of any Water being contaminated or affected, served on them or him by the Person whose Water shall be so contaminated or affected, prevent the Gas from contaminating or affecting such Water, the Company or 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 ex-  
amine Gas  
Pipes to  
ascertain  
Cause of Con-  
tamination.

LXV. 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 Company or 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 Company or Person making or supplying Gas for the Purpose of ascertaining whether the said Water has been contaminated or affected by the Gas of the Company or such Person: Provided always, that before proceeding so to dig and examine Twelve Hours Notice shall be given to the Company or Person making or supplying such Gas of the Time at which such Digging and Examination are intended to take place.

Notice to be  
first given.

The Ex-  
pences to  
abide the  
Result of the  
Examination.

LXVI. 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 the Company or 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 Company or 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 the Company or such Person, then the Person causing such Examination to be made shall pay all the Expences



Expences of Examination and Repair, and also make good to the Company or the said Person any Injury which may be occasioned to the Works of the Company or such Person by such Examination.

LXVII. And be it enacted, That the Amount of the Expences of every such Examination and Repair, and of any Injury done to the Company or 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.

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

LXVIII. 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 Committee, once in every Year after the passing of this Act, to be computed from the Commencement of this Act, 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 Committee or the major Part of them, upon the Occupiers of all Houses, Coach-houses, Stables, Cellars, Buildings, Gardens, Lands, Tenements, and Hereditaments within the said Town, according to the annual Value of the same, so as such Rates or Assessments do not exceed in any One Year the Sum of Five-pence in the Pound on such annual Value.

Power to levy Rates.

LXIX. And be it enacted, That Notice of such Rate having been made shall forthwith be given by the Committee by affixing a Notice thereof at the Guildhall of the said Town.

Notice of Rate to be given.

LXX. And be it enacted, That immediately after any Rate shall be made the same shall be open to the Inspection of any Person rated in such Rate at all seasonable Times, and any such Persons may take Copies or Extracts from such Rate without paying any thing for the same; and if the Person having the Custody of such Rate shall refuse to or shall not permit any Person so rated as aforesaid to take Copies or Extracts from such Rate he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Rate to be open to Inspection of Rate-payers.

LXXI. And be it enacted, That the several Rates made under this Act shall be payable at the Expiration of Seven Days after the making thereof to the Collectors to be continued or appointed by the Committee.

Rates when payable.

LXXII. And be it enacted, That no Person shall be rated in pursuance of this Act on account of any Arable, Meadow, Pasture Land, or Garden Ground unattached to a Dwelling House, or of any Tithes, or Composition in lieu of Tithes, or of any Building occupied as a Dwelling House the rateable Value whereof shall not amount to Five Pounds and Ten Shillings.

Arable or Meadow Land, and certain Buildings, not to be rated.

LXXIII. And be it enacted, That the annual Value of all Property rateable under this Act shall be ascertained according to the

Value of Property to be according to next Poor Rate.

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next preceding Assessments for the Relief of the Poor within the said Town.

Poor Rates  
to be open to  
Inspection by  
Committees.

LXXIV. And be it enacted, That it shall be lawful for the Committee, or for any Person by them authorized, from Time to Time to inspect the several Poor Rates for the several Parishes within their Jurisdiction, 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 such Committee, 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.

Rate Books  
to be Evi-  
dence.

LXXV. And be it enacted, That the Books of Rates of the Committee, 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.

Rates may  
be amended.

LXXVI. And be it enacted, That it shall be lawful for the Committee from Time to Time to amend any Rate made by virtue of this Act, by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing 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.

Appeal to  
Petty Ses-  
sions on the  
Ground of  
Inequality of  
Rates, &c.

LXXVII. And be it enacted, That if any Person shall think himself aggrieved by any Rate, on the Ground of Inequality, Unfairness, or Incorrectness of the Valuation of any rateable Property included therein, he may appeal to the Justice acting in and for any Special Sessions of the said Town which may be holden for the Purpose of determining any Appeals against the Poor Rates; but no such Appeal shall be entertained unless Notice of the Objection in Writing shall have been given to the Committee Seven Days at least before the Day appointed for such Special Session.

Determina-  
tion of Special  
Sessions to  
be final un-  
less appealed  
from.

LXXVIII. And be it enacted, That the Justices assembled at any Special Sessions for which any such Notice of Appeal shall have been given, or at any Adjournment thereof, shall hear and determine all such Appeals, and the Determination of such Justices shall be final, unless the same be appealed from in manner herein-after mentioned: Provided always, that it shall not be lawful for the Justices in such Special Sessions assembled to inquire into the Liability of any Property to be rated, but only into the true Value thereof,



thereof, and the Fairness of the Amount at which the same may be rated ; nor shall any Order of such Justices be of any Force pending an Appeal concerning the same Matter to the Court of General or Quarter Sessions, or in opposition to the Order of such Court upon any such Appeal.

LXXIX. And be it enacted, That if any Person shall think himself aggrieved by any Rate made under the Authority of this Act, or by any Matters included in or omitted from the same, or by any Determination of the Justices in Special Sessions assembled, he may appeal to the next General or Quarter Sessions ; but no such Appeal against the Rate, or any Matter contained in or omitted from the same, shall be entertained at such General or Quarter Sessions, unless reasonable Notice in Writing of such Appeal, stating the Nature and Ground thereof, be given to the Committee making such Rate, but the same shall be adjourned to the next General Quarter Sessions ; nor shall any Appeal against the Determination of the Justices in Special Sessions assembled be entertained, unless the Party appealing against such Determination shall, within Fourteen Days after the same shall have been made, give Notice in Writing of such Appeal, stating the Matter or Cause thereof, to the Party in whose Favour such Determination shall have been made, and within Five Days after such Notice shall enter into a Recognizance before some Justice, with sufficient Sureties, conditioned to try the same at the then next General or Quarter Sessions, and to abide the Order of such Court, and to pay such Costs as shall be awarded at such General or Quarter Sessions, or any Adjournment thereof.

Parties may appeal to Quarter Sessions against Rate, &c.

LXXX. And be it enacted, That at the General or Quarter Sessions for which any such Notice of Appeal shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, except when the Court are hereby directed to adjourn the same, and except when the Court shall think fit to adjourn the Appeal to the following Sessions, which they are hereby authorized to do, and in all such Cases the Court shall hear and determine the Appeal at such last-mentioned Sessions.

Court of Quarter Sessions to make such Order as they think reasonable.

LXXXI. And be it enacted, That the Court of Quarter Sessions and the Justices in Special Sessions assembled respectively shall in any Appeal against any Rate made under the Authority of this Act have the same Powers of amending or quashing such Rates as are by Law vested in them respectively for amending or quashing the Rates for the Relief of the Poor within their several Jurisdictions upon Appeals against such Rates, and shall likewise have respectively in any Appeal against any Rate made under the Authority of this Act the same Powers of awarding Costs to be paid by or to any of the Parties to an Appeal, and of recovering such Costs, as are now vested in them respectively for awarding and recovering Costs in an Appeal against any Rate for the Relief of the Poor within their several Jurisdictions.

On Appeal, Quarter Sessions and Special Sessions to have same Power of amending and quashing Rates, and of awarding Costs, as in Appeals against Poor Rates.

LXXXII. And be it enacted, That no Person, although liable to the Payment of Money towards the Rates authorized to be raised under

Liability to the Rates not to disqualify



Witnesses or Justices.

under this Act, shall by reason thereof be deemed to be an incompetent Witness in any Proceeding before a Court of Justice under this Act, or be disabled to act as a Justice in the Execution of the same.

Rates may be recovered by Action or by Distress.

LXXXIII. 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 by the Committee or their Collector, it shall be lawful for the Committee 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 such Committee 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.

LXXXIV. 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 (A.) to this Act annexed.

Constables to assist in making Distress.

LXXXV. 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 Committee to remit Rate.

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

Remedy against Persons quitting before Payment of Rates.

LXXXVII. 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 Committee 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.

LXXXVIII. And be it enacted, That when any Rate shall have been made for a particular Period, and the Occupier who shall be rated to such Rate shall cease to be the Occupier of the Property in respect whereof he shall be rated before the End of such Period,



such 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 Occupier; and if any Person shall become the 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 occupied the Property so rated.

LXXXIX. 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 Committee 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.

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

XC. And be it enacted, That the Money which shall arise from the said Rates or other Money to be received by the Committee under this Act shall be applied in defraying the Expences of carrying the several Purposes of this Act into execution.

Application of the Rates.

XCI. And be it enacted, That the Committee shall pay all Debts contracted and agreed to be paid by the Directors and Trustees acting under and by virtue of the recited Acts hereby repealed, for or in respect of the public Lighting of the said Town, out of the first Monies raised by the Committee by virtue of this Act.

As to existing Debts.

XCII. 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.

Damages to be ascertained with the Penalty.

XCIII. And for the Purpose of providing for the Recovery of 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 Two or more Justices, and the same shall be levied by Distress, and any Justice shall issue his Warrant accordingly.

Provision for Damages not otherwise provided for.

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

For ascertaining Compensation.

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of the Party summoned to appear, to inquire into any such Compensation, Expences, Charges, or Damages, and to determine the same.

Recovery of  
Money from  
Committees.

XCV. And with respect to any Money under the Provisions of this Act adjudged to be paid by the Committee, for which no other Mode of Proceeding is hereby prescribed, be it enacted, That if such Money be not paid by the Committee to the Party entitled to receive the same within Twenty-one Days after Demand thereof in Writing, stating the Order of the Justices for the Payment of such Money; the Amount shall be recovered by Distress of the Goods of such Committee, and if no sufficient Goods of such Committee can be found, by Distress of the Goods of the Treasurer of the Committee; but no such Distress shall issue against the Goods of such Treasurer unless Seven Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to such Treasurer, or left at his usual Place of Abode.

Reimburse-  
ment of  
Treasurer.

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

Penalties to  
be summa-  
rily recovered  
before Two  
Justices.

XCVII. And for the Purpose of providing for the Recovery of Penalties or Forfeitures imposed by this Act, 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 Two or more Justices, and on the Complaint being made to any such Justice he shall issue a Summons requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Summons, and every such Summons shall be served on the Party offending, either in Person or by leaving the same with some Inmate at his usual Place of Abode; and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for any Two 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 One credible Witness or more, it shall be lawful for any Two 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 to  
be levied by  
Distress.

XCVIII. 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



levied by Distress, and any Justice shall issue his Warrant of Distress accordingly.

XCIX. 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 give 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 any Justice, then such Justice shall, by Warrant, cause such Offender to be committed to Gaol, there to remain without Bail for any Term not exceeding Three Months, unless such Penalty or Forfeiture and Costs be sooner paid and satisfied.

Imprisonment in default of Distress.

C. 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, and the other Half to the Overseers of the Poor of the Parish in which the Offence shall have been committed, for the Benefit of the Poor of such Parish.

Application of Penalties.

CI. 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 Justices within Six Months next after the Commission of such Offence.

Penalties to be sued for within Six Months.

CII. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer an Oath to testify the Truth in such Matter; and if any Person who shall be summoned as a Witness before any Justice touching any Offence committed against this Act, or any Matter in which such Justice shall have Jurisdiction by the Provisions of this Act, shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expences, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Penalty on Witnesses making default.

CIII. And



Form of  
Conviction.

CIII. 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 (B.) to this Act annexed.

Informalities.

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

Distress how  
to be levied.

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

Distress not  
unlawful for  
Want of  
Form.

CVI. 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 any 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.

Parties may  
appeal to  
Quarter Sessions, on giving Security.

CVII. And be it enacted, That if any Person shall think himself aggrieved by any Order, Determination, or Adjudication of any Justice, other than the Determination of any Justices in Special Petty Sessions assembled, in an Appeal against any Rate made under the Authority of this Act, he may appeal to the General Quarter Sessions for the Town and County aforesaid; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Order, Determination, or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given, within Ten Days next after the making of such Order, Determination, or Adjudication, to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to  
make such  
Order as they  
think reasonable.

CVIII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Order, Determination, or Adjudication, and order any Money paid by the Appellant,



or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Order, Determination, or Adjudication, and of the Appeal, as they may think reasonable.

CIX. 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 of Act.

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

Words importing the Masculine Gender only shall include Females :

The Word "Month" shall mean Calendar Month :

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

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

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

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

The Word "House" shall extend to Messuages, Tenements, and Buildings of any Description :

The Word "Committee" shall mean the Committee for the Time being acting by virtue of this Act.

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







## SCHEDULE (B.)

*Form of Conviction.*

to wit. } **BE** it remembered, That on the Day of  
in the Year of our Lord *A.B.* is convicted  
before us, *C.D.* and *E.F.*, Two of Her Majesty's Justices of the  
Peace, &c. [*here describe the Offence, and the Time and Place when*  
*and where committed*], contrary to the Nottingham Lighting Act,  
One thousand eight hundred and forty-three. Given under our  
Hands and Seals, the Day and Year first above written.

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