



ANNO SEXTO & SEPTIMO

# VICTORIÆ REGINÆ.

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## Cap. lxxviii.

An Act for better paving, lighting, cleansing,  
and improving the Town and Borough of  
*Northampton.* [28th July 1843.]

**W**HEREAS an Act was passed in the Fifty-fourth Year of the  
Reign of His late Majesty King George the Third, inti-  
tuled *An Act for better paving, lighting, cleansing, watching,* 54G.3. c.193.  
*and improving the Town of Northampton, and for taking down, widen-*  
*ing, and rebuilding the Bridge over the River Nine or Nen at the South*  
*Entrance of the said Town, and improving the Avenues to the said*  
*Bridge:* And whereas the said Town and Borough of *Northampton*  
is large and populous, and hath since the passing of the said recited  
Act greatly increased in Size and Number of Inhabitants, and several  
new Streets, Ways, Passages, and Places have been made and formed  
and are still being made and formed therein, including those Parts of  
the said Town and Borough which are extra-parochial or are deemed  
and taken to be extra-parochial: And whereas it is expedient that  
effectual Provision shall be made for the better paving, repairing, and  
maintaining the Streets, Ways; Roads, Passages, and Places which  
have been formed and which are now forming or hereafter may be  
formed and made within the said Town and Borough, and for  
lighting, cleansing, and improving the same, and for the Removal  
and future Prevention of Nuisances and Annoyances therein, and for  
[Local.] 28 D increasing

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repealed, and  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

increasing or altering the existing Rates and Assessment, or raising other Rates in lieu thereof: And whereas the Powers of the said recited Act are insufficient for such Purposes, and the same might be more efficiently and conveniently effected if the said recited Act were repealed, and if another Act with further and other Powers and Provisions were to be passed in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Third *Wednesday* next after the passing of this Act the said recited Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third shall be repealed, and that this Act shall thereafter be put into execution for the Purposes herein-after mentioned.

Rates under  
former Act  
to continue  
in force.

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

Rates to be  
liable to  
Debts under  
former Act.

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

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

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

Contracts,  
&c. to remain  
in force.

V. And be it enacted, That all Contracts, Agreements, Bonds, Covenants, Securities, and Engagements entered into or made before the Commencement of this Act to, with, or by the Commissioners acting in execution of the said recited Act hereby repealed, or to, with, or by any Person acting by virtue of the said recited Act on  
behalf



behalf of such Commissioners, shall, notwithstanding the Repeal of the said Act, be, remain, and continue of the same Validity, Force, and Effect in Law or Equity, to all Intents and Purposes, as if the said Act had not been repealed, and shall be as available for the Purposes for which the same respectively were entered into or made, and for the Purposes of this Act, as if the same respectively had been entered into and made to, with, or by the Commissioners for executing this Act, and may be pleaded and enforced by all, any, and every the Parties thereto accordingly.

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

Repeal of former Act not to prevent the Recovery of Penalties, or to defeat Prosecutions.

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

Old Books to be Evidence.

VIII. And be it enacted, That *George Abbey, Joseph Adnitt the elder, George Barry, Robert Bartram, Edward Harrison Barwell, John Brettell, William Collins, Thomas Cooke, Edward Cotton, William Dennis, Peter Derby, William Dunkley, John Freeman, William Flesher, John Grant, John Groom, Thomas Grundy, Thomas Hagger, Gray Hester, Robert Hewitt, Thomas Barnard Hewlett, William Higgins the elder, William Hollis the younger, John Jee, John Jeffery, John Jones, John Palmer Kilpin, John Marshall, George Osborn, Francis Parker, John Phipps, Richard Phipps, Richard Brinsley Portal, William Porter, George Rands, Thomas Sharp, Thomas Shaw, John Stanton, Benjamin Steevenson, William Strong, William Turner, Samuel Walker, James Whitmy, John Whitmy, Henry Billington Whitworth, William Williams, Thomas Short Wright, and Joseph Wykes* 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.

First Commissioners.

IX. And be it enacted, That every Commissioner under this Act shall be a resident Inhabitant of the said Town of *Northampton*, and shall either be rated to the Rate made for the Relief of the Poor for any or either of the Parishes within the said Town, or to the Rate called

Qualification of Commissioners.



called the Borough Rate for the said Town, in the annual Sum of Thirty Pounds or upwards, or be seised or possessed or in the Enjoyment of the Rents and Profits of Lands, Tenements, and Hereditaments within the said Town, of the clear annual Value of Thirty Pounds, for an Estate not less than a Life in being, for his own Use; and such Commissioners shall be called "The *Northampton* Improvement Commissioners."

Same Property not to give Two Qualifications.

X. Provided always, and be it enacted, That the same Property shall not give a Qualification to Two Commissioners at the same Time as Owner and Occupier thereof; but in case any Person so entitled to be a Commissioner as aforesaid shall be Owner of more than one Estate within the Limits of this Act of the annual Value of Thirty Pounds or upwards, such Owner shall at the Time of qualifying as herein-after mentioned declare in Writing under his Hand in respect of which Estate he so qualifies, in order that the Tenant of any other Estate may have the Privilege of qualifying in respect thereof; and the Owner or Occupier of any Estate or Tenement, who shall first qualify as a Commissioner in respect thereof, shall exclude the other.

No Bankrupt or Insolvent to be a Commissioner.

XI. 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.

XII. 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 interested or concerned in any Contract, or participate in any Manner in any Work to be done, or Materials to be supplied, under the Authority of this Act, such Person shall cease to be a Commissioner, and his Office shall thereupon become vacant.

Shareholders in Companies not disqualified by reason of Contracts.

XIII. Provided always, and be it enacted, That no Person, being a Shareholder or Member of any Joint Stock Company, 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.

Commissioner not incapable of acting as a Justice.

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

Declaration by Commissioners.

XV. And be it enacted, That no Person shall be capable of acting as a 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



‘ of an Act of Parliament, intituled [*here insert the Title of this Act*],  
 ‘ and also that I am a resident Inhabitant within the said Town of  
 ‘ *Northampton*, and am rated to the Rate made for the Relief of the  
 ‘ Poor of the Parish of [*here insert the Name of the Parish*], within the  
 ‘ said Town [*or, as the Case may be, rated to the Rate called the*  
 ‘ *Borough Rate for the said Town*], for Lands, Tenements, or Here-  
 ‘ ditaments of the annual Value of Thirty Pounds [*or that I am a*  
 ‘ resident Inhabitant within the said Town of *Northampton*, and am  
 ‘ seised or possessed or in the Enjoyment for my own Use of the  
 ‘ Rents and Profits of Lands, Tenements, or Hereditaments within  
 ‘ the said Town of the clear annual Value of Thirty Pounds, for an  
 ‘ Estate not less than a Life in being].’

XVI. 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 Misdemeanour.

XVII. 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 on first Attendance at Meeting.

XVIII. 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 had 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 on Commissioner acting, not being qualified.

XIX. 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 thereupon shall cease to be a Commissioner until he shall be re-elected, as herein-after mentioned. Commissioners neglecting to act.

XX. And be it enacted, That the Commissioners appointed by this Act shall go out of Office by Rotation as herein-after provided; (that is to say,) on the Second *Tuesday* in the Month of *January* in the Year One thousand eight hundred and forty-four One Fourth of such Period of Service and Time of going out of Commissioners.

[*Local.*]

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such Commissioners shall go out of Office, and at the same Time in the following Year One Third of the remaining Commissioners shall go out of Office, and at the same Time in the following Year One Half of the Remainder of the 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 Fourth 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.

Commis-  
sioners re-  
eligible.

XXI. 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  
Commis-  
sioners  
named by  
the Act.

XXII. 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 Guildhall, 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 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 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 this 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.

XXIII. And be it enacted, That every Male Person who shall be rated under the Provisions of this Act, and who shall have paid all Rates due in respect thereof, 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.

XXIV. 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 Guildhall aforesaid, or some other convenient Place within the said Town, to be appointed by the Commissioners, on the Second *Wednesday* in the Month of *January* 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 to some Person authorized for that Purpose by the Commissioners, a Paper signed by them 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 of Votes 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.

XXV. Provided always, and be it enacted, That at any Election of Commissioners for the Purposes of carrying this Act into execution no Rate-payer shall be entitled to vote for more than Six Persons.

No Rate-payer to vote for more than Six Persons.

XXVI. And be it enacted, That no Inquiry shall be permitted at any Election of Commissioners under this Act as to the Right of any Person to vote as a Rate-payer, except only as follows; (that is to say,) that the Person taking the Votes shall, if required by any Two Rate-payers entitled to vote at such Election, put to any Voter at the Time of delivering in his Voting Paper, and not afterwards, the following Questions, or any of them, and no other:

Voters, if required, to answer certain Questions before voting.

1. Are you the Person whose Name is signed as *A. B.* to the Voting Paper now delivered in by you?

2. Are you the Person whose Name appears as *A. B.* on the Rate now in force and made by the Commissioners under the Act of Parliament, intituled [*here insert the Title of this Act*], being assessed therein as rated for Property described to be situated in [*here specify the Street, &c. as described in the Rate*]?

3. Have you already voted at the present Election?

And no Person required to answer any of the said Questions shall be permitted or qualified to vote until he shall have answered the same; and if any Person shall wilfully make a false Answer to any of the Questions aforesaid he shall be deemed guilty of a Misdemeanor, and may be indicted and punished accordingly.

XXVII. 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, the remaining Commissioners shall 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.

XXVIII. And be it enacted, That the Commissioners for executing this Act shall hold their first Meeting at the Guildhall in the said Town, or at some other convenient Place within the said Town, on the Third *Wednesday* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to put this Act into execution; and a General Meeting of the Commissioners shall be held on the First *Wednesday* in every Month, at the Place and between the Hours aforesaid, for the Purposes of this Act, unless some other Place within the said Town and some other Time shall be appointed by the Commissioners; and it shall be lawful for the Commissioners present

First and other Meetings.



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 to act 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 their Clerk, to appoint a Meeting, to be held at any convenient Place within the said Town, by affixing a Notice thereof on the Door of the said Guildhall, or of such other Place at which the Commissioners may usually hold their Meetings, at least Seven Days before such Meeting.

Special  
Meetings.

XXIX. And be it enacted, That it shall be lawful for the Commissioners to hold Special Meetings, and any Five 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, and the Purport of the Business to be transacted at such Meeting specified in such Notice.

Quorum of  
Commis-  
sioners.

XXX. 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.

XXXI. 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; and a Notice thereof shall be affixed on the outer Door of the Guildhall in the said Town 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.

XXXII. 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  
Meeting may  
appoint  
Committees.

XXXIII. 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 Six Months.

Acts of Com-  
mittees to be  
submitted  
to Commis-  
sioners.

XXXIV. And be it enacted, That the Acts of every such Committee shall, in case the Commissioners shall so order, be submitted to the Commissioners for their Approval, and that no Expenditure or Payment or Contract to expend or pay any Sum of Money made by such



such Committee shall be lawful or valid when such Sum shall exceed the Sum of Ten Pounds, unless such Committee shall have been authorized by the Commissioners to make such Expenditure, Payment, or Contract, or unless such Expenditure, Payment, or Contract shall, after the same has been made, be approved of by the Commissioners; and that all Orders made by every such Committee for the Expenditure of any Money shall be in Writing.

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

XXXVI. 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. Order of Business at Meetings of Commissioners and Committees.

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

XXXVIII. 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 to the Commissioners for that Purpose, and to be called "The Contract Book." For what Contracts may be made.

XXXIX. And be it enacted, That every such Contract shall be signed by any Five of the Commissioners and the other Parties thereto, and such Contracts shall be binding on the Commissioners, and Actions and Suits may be maintained thereon, and Damages and How to be signed.



Costs recovered by or against the Commissioners or the other Parties failing in the Execution thereof.

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

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

Indictments, how to be preferred.

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

Commissioners not to be personally liable.

Liability of their Funds.

XLII. 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 Goods and Chattels vested in the Commissioners by virtue of their Office, unless such Action or Suit or any such Damages or Charges have arisen in consequence of wilful Neglect or Default on the Part of the Commissioners 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.

XLIII. 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 Goods of Commissioners.

XLIV. 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.

XLV. And



XLV. And be it enacted, That every such Commissioner or Clerk in whose Name any 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 made at any Meeting of the Commissioners.

Indemnity  
to Commis-  
sioners and  
their Clerk.

XLVI. And be it enacted, That the Commissioners 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, of the Commissioners and of the Committees, 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 Commissioners; 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 others, without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Commissioners or Members of Committee respectively, 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 any of the Commissioners, and any of the Creditors or Rate-payers or other Parties interested.

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

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

Commission-  
ers to appoint  
a Treasurer  
and other  
Officers.

XLVIII. 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 the Partner of such 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.

Penalty.

If



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

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

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

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

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

Officer taking  
Fees to lose  
his Office.

XLIX. And be it enacted, That if any such Treasurer, Clerk, Surveyor, Collector, or other Officer employed by the Commissioners shall 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.

Penalty.

Commission-  
ers to take  
Security from  
all Officers  
intrusted  
with Money.

L. And be it enacted, That the Commissioners shall take from their Treasurer, Collector, 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, Securities, and Property 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, collected, or paid for the Purposes of this Act, and when, of whom, and for what the same were so received, collected, or paid.

Officers to  
account.

LI. 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, when, and of whom such Monies have been received, and to whom and for what Purpose such Monies have been paid or 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 and Securities which shall appear to be due or owing from him upon the Balance of such Account.

LII. 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 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 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 a Justice, such Justice shall summon such Officer to appear before any Two or more Justices, at a Time and Place to be set forth in such Summons, to answer to such Charge; and upon the Appearance of such Officer, or, in his Absence, upon Proof that such Summons was personally served upon such Officer, or left at his last known Residence or Place of Abode, such Justices 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, and if he 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 a Period not exceeding Three Months; and in any of the following Cases, (that is to say,) Remedy  
against  
Officers  
failing to  
account.

If such Officer do not appear before such Justice at the Time and Place appointed for that Purpose; 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; or

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

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: Provided always, that if any Person acting on behalf of the Commissioners shall make Oath that he has good Reason to believe and does believe that it is the Intention of such Officer to abscond, it shall be lawful for the Justice before whom the Complaint is made, instead of issuing his Summons, to issue his Warrant for the bringing such Officer before such Two or more Justices as aforesaid; but no Person executing such Warrant shall keep such Officer in Custody longer than Twelve Hours,

[*Local.*]

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without



without bringing him before Two Justices to answer to the Charge as herein-before directed.

Commitment  
not to dis-  
charge Sure-  
ties.

LIII. And be it enacted, That such Proceeding against or dealing with any such Officer as aforesaid shall not 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  
Inspection.

LIV. 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 and 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 and Creditors aforesaid to inspect such Book, or to take Copies or Extracts as aforesaid, such Clerk shall for each such Default forfeit a Sum not exceeding Five Pounds.

Accounts to  
be settled  
and examined  
at the annual  
Meeting.

LV. And be it enacted, That the Accounts of the Monies received and expended by the Commissioners shall be produced at the first Ordinary Meeting of the Commissioners, which shall take place in the Month of *February* in every Year, or at some Adjournment thereof, at which Meeting it shall be lawful for all Persons interested to be present; and such Accounts shall be examined and settled by the Commissioners; and if the same shall be found just and true, they shall be allowed by the Commissioners, and certified accordingly under the Hand of the Chairman of such Meeting; and after such Account shall have been so allowed and signed, the same shall be final in regard to all Persons whomsoever, unless an Appeal be prosecuted against such Accounts at One of the Two then next General or Quarter Sessions of the Peace for the Borough of *Northampton* or any Adjournment thereof, 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.

To be final  
unless ap-  
pealed from.

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

LVI. 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 ending the Thirty-first Day of *December*, and also of all Debts then owing by the Commissioners, and they shall allow such Statement and Account to remain for  
Inspection



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.

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

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

Penalty for Neglect.

LVIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to borrow at Interest on the Credit of the several Rates or Assessments by this Act granted and other Property vested in such Commissioners any Sum of Money which shall not exceed the Sum of Twenty thousand Pounds, and, in the event of any Part of such Money being repaid by the Commissioners, to reborrow 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 Twenty thousand Pounds in the whole at any one Time; and for securing the Repayment of the Monies so borrowed, with Interest, the Commissioners, or any Five of them, may assign over the said Rates, Assessments, and Property, or any Part thereof, to the Person who shall advance or lend such Money, or his Trustee, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Power to borrow on Mortgage.

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

Form of Mortgage.

LX. And



Mortgages to  
be without  
Preference.

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

Commission-  
ers may raise  
Money by  
Annuity.

LXI. 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 or Mortgages as aforesaid; and for that Purpose the Commissioners may charge the respective Rates and Assessments granted by this Act, or other Property vested in the Commissioners by virtue of this Act, with an Annuity, to determine on a Life or Lives in being, in favour of any Person who shall advance to the Commissioners any Sum of Money for the Purchase of the same.

Form of  
Grant of  
Annuity.

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

For prevent-  
ing impro-  
vident Grants  
of Annuities.

LXIII. 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.

LXIV. And be it enacted, That every Annuity so granted shall be paid out of the Rates or Assessments or other Property vested in the Commissioners by virtue of this Act, according to the Grant of such Annuity, and shall have Priority after any Mortgages or Assignments granted under this Act.

Expences of  
Mortgages  
and An-  
nuities.

LXV. 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 Monies raised by the same, or the Rates, Assessments, or other Property on the Credit of which such Monies shall be raised.

Register of  
Mortgages  
and Annuities  
to be kept,  
and to be  
open to In-  
spection.

LXVI. And be it enacted, That a Register of such Mortgages, Assignments, and Annuities shall be kept by the Clerk to the Commissioners, and within Fourteen Days after the Date of any such Mortgage, 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 seasonable Times by any Person interested therein without Fee or Reward.

Assignment  
of Mortgages  
and An-  
nuities.

LXVII. And be it enacted, That from Time to Time any Party entitled to any such Mortgage, Assignment, or Annuity may transfer his



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 the Schedule (C.) to this Act annexed, or to the like Effect.

LXVIII. And be it enacted, That within Thirty Days after the Date of every such Transfer the same 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, 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, and Assigns, to the same Benefit as the Holder of the original Mortgage, Assignment, or Annuity in all respects may be entitled to; and no Party having made such Transfer shall have Power to make void, release, or discharge the Mortgage, Assignment, or Annuity so transferred, or any Sum thereby secured.

Register of  
Transfers to  
be kept.

LXIX. 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.

LXX. 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, 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.

LXXI. And in order that no undue Preference may be given in paying off any 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 a 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

Mode of  
paying off  
Mortgages.



entitled to the Money to be paid off pursuant to such Ballot; and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease unless such Principal Money and Interest be not paid, on Demand, pursuant to such Notice; but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless be payable on Demand.

Application  
of Monies to  
be borrowed.

LXXII. And be it enacted, That the Money which shall be raised on the Credit of the Rates, Rents, or Assessments hereby authorized to be levied and collected shall be applied, in the first place, in paying the Expences of obtaining and passing this Act, or incident thereto, and in repaying all Sums of Money which have been or shall be advanced by any Persons for the Payment of such Costs, Charges, and incidental Expences, with lawful Interest for the same; and after Payment thereof, in making such Improvements within the Limits of this Act as are hereby authorized and as the Commissioners shall direct to be made.

Commissioners may make  
Bye Laws to govern them-  
selves and  
their Ser-  
vants.

LXXIII. 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 Five or more of the Commissioners.

Fines for  
Breach of  
such Bye  
Laws.

LXXIV. 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  
Commis-  
sioners.

LXXV. 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.

Authentica-  
tion of  
Notices.

LXXVI. 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 Commissioners, the Signature thereof by Two Commissioners, or by the Clerk of the Commissioners, shall be a sufficient Authentication.

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

LXXVIII. 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.

LXXIX. And be it enacted, That for the Purposes of this Act, and subject to the Provisions of this Act, it shall be lawful for the Commissioners to agree with the Owners of any Tenements situate within the Limits of this Act, which may be required for any of the Purposes of this Act, for the absolute Purchase, for a Consideration in Money, of any such Tenements, 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 Tenements, and all other Estates or Interests therein, of what Kind soever. Power to purchase Lands.

LXXX. 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 Tenements, 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, Parties under Disability enabled to sell and convey.  
or



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 to exercise other Powers.

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

Consideration to be a gross Sum.

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

Acceptance of Compensation for Price or Damage.

LXXXIII. And be it enacted, That the Owners of any such Tenements or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Tenements, 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 Tenements, or any Interest therein to which such Party shall be entitled; and, in addition to Compensation for the Value of such Tenements, or of the Interest therein to be so conveyed, such Parties, and also any Lessees, Tenants for a Year, or from Year to Year, or at Will, or other Occupiers of any such Tenements, shall be entitled to Compensation for any Injury or Damage sustained on account of the Execution of this Act, or in anywise relating thereto.

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

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

LXXXV. And



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

Form of  
Conveyance.

LXXXVI. And with respect to the Costs of the Conveyance of any such Tenements purchased by the Commissioners, be it enacted, That all 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 of the Purchaser) of all Conveyances and Assurances of any such Tenements, and of any outstanding Terms or Interests therein.

Costs of  
Conveyance.

LXXXVII. 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 Tenements which may belong to Parties under Disability, be it enacted, That if any such Purchase Money or Compensation shall be payable in respect of any such Tenements, 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 Chancery, to be placed to his Account there *ex parte* "The Northampton Improvement Commissioners," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His late Majesty King George the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and Endorsements thereon, as likewise Endorsements on South Sea Bonds*, and pursuant to the general Rules and Orders of the said Court and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King George the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of England belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest therefrom for answering the*

Purchase  
Money pay-  
able to Par-  
ties under  
Disability,  
amounting  
to 200*l.*, to  
be deposited  
in Bank of  
England.

12 G. 1. c. 32.

12 G. 1. c. 24.

[Local.]

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Charges



Application  
of Monies  
deposited.

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

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

In the Purchase of other Tenements to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner, as the Tenements 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 Chancery shall direct ; or

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

Order of  
Application.

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

Sums from  
20*l.* to 200*l.*  
to be depo-  
sited, or  
vested in  
Trustees.

LXXXIX. And with respect to any such Purchase Money or Compensation which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees to be nominated by the Parties entitled to the Rents or Profits of the Tenements 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 Cover-  
ture, 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 Five at least of the Commissioners ; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by  
such



such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

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

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

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

Court of Chancery may direct Investment or Payment of Money in respect of Leases for Lives, Years, &c., or Reversions, as they may think just.

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

Party in Possession deemed to be the Owner.

XCIII. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Tenements in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Commissioners; (that is to say,) the Costs of the Purchase or of the taking or using of the Tenements, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government

Costs in Cases of Money deposited.

or



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

Payment of  
Price to be  
made pre-  
vious to  
Entry, except  
to survey,  
&c.

XCIV. And be it enacted, That the Commissioners shall not, except by Consent of the Owner and Occupier, enter upon any Tenements which shall be required to be purchased or permanently used for the Purposes of this Act, until they shall either have paid to every Party having any Interest in such Tenements, or deposited in the Bank of *England* in the Manner herein mentioned, the Purchase Money or Compensation agreed to be paid to such Parties respectively for their respective Interests therein: Provided always, that for the Purpose merely of surveying and taking Plans of such Tenements it shall be lawful for the Commissioners to enter upon the same without the previous Consent of the Owners, making Compensation for any Damage thereby occasioned to the Owners or Occupiers of such Tenements.

Tenements  
not wanted,  
to be sold.

XCV. And for the Purpose of making Provision respecting the Sale of Tenements 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 Tenements in such Manner as they may deem most advantageous, and convey the same to the Purchasers thereof, by Deed executed at any Meeting of the Commissioners under the Hands and Seals of Five or more of them, and a Receipt of the Treasurer under this Act shall be a sufficient Discharge to the Purchaser of any such Tenements for the Purchase Money in such Receipt expressed to be received.

Effect of  
the Word  
"grant"  
in Convey-  
ances.

XCVI. And be it enacted, That in every Conveyance of Tenements 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 Quality or Nature 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 Tenements 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 Tenements, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Commissioners and 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 Tenements at the Expence of such Grantees, 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 the respective Quality or Nature of such Tenements, and the Estate or Interest therein 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.

XCVII. And be it enacted, That the Limits of this Act shall be the several Parishes of *All Saints, Saint Giles, Saint Peter, and Saint Sepulchre*, in the Town of *Northampton*, and the several extra-parochial Parts and Places within the said Town; and this Act shall be put in force in the said Parishes and extra-parochial Parts and Places accordingly. Limits of the Act.

XCVIII. And be it enacted, That the Management of all the present and future Streets within the Limits of this Act, and the Pavements and other Materials of such Streets, and all Lamps, Lamp Irons, Lamp Posts, public Cesspools, Drains, Sewers, Tunnels, and Gutters, and all Materials, Implements, Matters, and Things which shall be purchased or provided by the Commissioners for the Purposes of this Act, and all the Dust, Ashes, Filth, Manure, Sweepings, Matters, and Things which shall be collected from the Streets within the Limits of this Act, shall be the Property of and they are hereby vested in the Commissioners, who shall have full Power to sell and dispose of any of the said Articles and Things for the Purposes of this Act when and as they shall think proper. Property vested in the Commissioners.

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

C. And be it enacted, That where any Street shall at any Time hereafter be formed or set out within the Limits of this Act, and such Street shall not be sufficiently paved, flagged, levelled, drained, and sewered to the Satisfaction of the Commissioners, it shall be Streets to be paved, flagged, levelled, sewered, or lawful

[Local.]

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drained, on  
the Order of  
the Commis-  
sioners.

lawful for the Commissioners at any Time and from Time to Time after the passing of this Act, by any Writing under the Hands of Five or more of the Commissioners, to order that any such Street or any Part thereof shall be paved, flagged, levelled, drained, and sewered in such Manner and within such Time as to the Commissioners may appear expedient; and thereupon the respective Owners of the Tenements adjoining or abutting upon the said Street on each Side thereof shall, within such Time and in such Manner as shall be expressed in such Order, at their respective Charges and Expences, well and sufficiently pave, flag, level, drain, and sewer so much of the said Street to the Centre thereof as may be opposite to and co-extensive with their respective Tenements adjoining or abutting on such Streets respectively.

In case of  
Neglect by  
Owners,  
the Commis-  
sioners may  
pave, &c. and  
charge the  
Expences to  
the Owner.

CI. And be it enacted, That if any such Owners shall neglect, omit, or refuse to pave, flag, level, drain, or sewer such Street, and complete the same within such Time and in such Manner as expressed in the said Order, it shall then be lawful for the Commissioners to pave, flag, level, drain, sewer, and complete the said Street, or such Part thereof as shall not have been so done pursuant to the said Order, and to ascertain, determine, and charge such respective Owners with their several proportionate Parts of the Charges and Expences thereof, according to and co-extensive with their respective Tenements adjoining or abutting on the said Street, having regard in such Apportionment to the State and Condition of the Pavement, Flagging, Levelling, Drainage, and Sewerage in which such Streets respectively or any Part thereof shall or may be at the Time when the Commissioners shall make such Order as aforesaid; and all the Charges and Expences which the Commissioners shall thereby sustain, incur, or pay, and shall so charge upon such Owners respectively, shall, on Demand, be forthwith paid and refunded to the Commissioners by such Owners respectively.

Power to  
levy the  
Charges by  
Distress.

CII. And be it enacted, That if any such Owner shall, on Demand, neglect, omit, or refuse to pay the said Charges and Expences, then the same may be levied by Distress, and any Justice may issue his Warrant accordingly.

Power to levy  
Charges on  
Occupier,  
who is to be  
reimbursed  
out of the  
Rent.

CIII. And be it enacted, That it shall be lawful for the Commissioners, in the first instance, and whether any such Demand shall have been made upon such Owner or not, to require the Payment of all or any Part of such Charges and Expences from the Person who shall then or at any Time thereafter occupy any such Tenement, and in default of Payment thereof by such Occupier, on Demand by the Commissioners or their Clerk or Collector, or any Person duly authorized by the Commissioners for the Purpose, the same may be levied by Distress, and any Justice may issue his Warrant accordingly; and the Owner shall allow every such Occupier all Sums of Money which he shall so pay, or which shall be levied by Distress, out of the Rent from Time to Time becoming due to him in respect of the said Tenement, as if the same had been actually paid to him as Part of such Rent.

CIV. Pro-



CIV. Provided always, and be it enacted, That every such Order for paving, flagging, levelling, draining, or sewerage as aforesaid shall be publicly posted in such Street for Two successive Weeks, and that such Order shall not begin to take effect until the End of One Month next after the last posting of any such Notice; which Order and the Publication thereof as aforesaid shall be and the same are hereby declared and deemed to be a sufficient Notice to all such Owners, Lessees, Tenants, Occupiers, and others interested in the Premises.

Publication  
of Notices  
with respect  
to paving,  
&c.

CV. And be it enacted, That after the passing of this Act no Street, Sewer, or Drain, or the Level thereof, within the said Town, shall be formed, laid out, or made, until the Owner thereof or other Person doing the same, or some Person on his Behalf, shall, by Writing under his Hand, give Two Months Notice thereof to the Clerk or the Surveyor of the Commissioners, specifying therein the Situation, Length, Breadth, and Boundaries of such proposed Street, Sewer, and Drain, and the intended Level thereof respectively.

Owner to  
give Notice  
to Commis-  
sioners be-  
fore laying  
out any  
Street, Drain,  
&c.

CVI. And be it enacted, That it shall be lawful for the Commissioners, within the said Two Months, to make such Order as to them may appear expedient for regulating and determining the Levels of every such Street, Sewer, and Drain respectively, and the Course, Depth, Width, Form, and Construction of every such Sewer and Drain.

Commission-  
ers to make  
Regulations  
as to Levels  
of Streets,  
Drains, &c.

CVII. And be it enacted, That if any Person shall form, lay out, or make any Street, or form or construct any Sewer or Drain, contrary to such Order of the Commissioners, it shall be lawful for the Commissioners at any Time afterwards to alter the same in such Manner and Form as will make the same conformable thereto, and in that Case to recover the Expence thereof from such Owner or Person doing the same in the like Manner as any Penalty under this Act may be recovered.

Commission-  
ers may alter  
Level, &c.  
if made con-  
trary to Re-  
gulations, at  
Expence of  
the Owners.

CVIII. And be it enacted, That it shall be lawful for the Commissioners, at any Time and from Time to Time, to alter the Level of any Street, Sewer, or Drain now or hereafter to be formed, laid out, or made in the said Town, or the Course, Form, or Construction of such Sewer or Drain in the same, in such Manner and Form as the Commissioners shall think expedient.

Commis-  
sioners may  
alter Level of  
existing or  
future Streets  
or Drains.

CIX. And be it enacted, That when any such Street shall be paved, flagged, levelled, drained, and sewerage pursuant to such Order of the Commissioners, and to their Satisfaction as aforesaid, the same shall be certified by Writing under the Hands of Five or more of the Commissioners, and such Street shall thereupon be a public Highway, and repaired and repairable from Time to Time by the Commissioners in such and the same Manner as the other Streets within the Limits of this Act are or may be repaired or repairable; and every such Certificate shall, within Two Months next after the making thereof, be transcribed in and recorded amongst the Proceedings of the Commissioners, and the said original Certificate shall

Certain  
Streets after  
Certificate to  
be High-  
ways.



shall be deposited with the Clerk of the Peace for the said Town of *Northampton*.

Streets may  
be declared  
Highways.

CX. And be it enacted, That if any Street hereafter to be made within the Limits of this Act, and not repaired or liable to be repaired under the Act hereby repealed at the Time of the Commencement of this Act, shall at any Time hereafter be paved or put into good Order, together with the Footways therein, to the Satisfaction of the Commissioners, then, on the Application of the Persons being the Owners of the Tenements adjoining to or abutting upon such Street on either Side thereof, or being the Owners of the greater Part in Extent of such Tenements, by Writing under their Hands made to the Commissioners, it shall be lawful for the Commissioners, by Writing under the Hands of Five or more of them, to certify and declare the same to be a public Highway; and after such Declaration the same shall be a public Highway, and for ever afterwards repaired and repairable by the Commissioners; and within Two Months next after the signing of every such Certificate and Declaration the same shall be transcribed and recorded amongst the Records of the Commissioners, and the said original Certificate and Declaration shall be deposited with the Clerk of the Peace for the said Town of *Northampton*.

Power to take  
Materials for  
Pavements  
from Waste  
Lands with-  
out Payment,  
or from pri-  
vate Lands,  
making Com-  
pensation.

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

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

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



taken from such Lands, it shall be lawful for such Justice to authorize such Person as the Commissioners shall appoint to dig and carry away such Materials at such Times as to such Justice shall seem fit.

CXIII. And be it enacted, That it shall not be lawful for the Trustees of any Turnpike Road to collect any Toll or to repair or expend any Money on any Road within the Limits of this Act. Road Trustees not to collect Tolls in the Town.

CXIV. 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 any Parish within the said Town of *Northampton* were liable before the passing of this Act. Commissioners liable to Indictment for Want of Repairs.

CXV. And be it enacted, That every Inhabitant who shall be assessed to the Rates made under this Act for any Tenements within the Limits of this Act shall be released from all Rates and Assessments for the Repairs of the Highway within the said Town of *Northampton*, within the Limits of this Act, in respect of such Tenements. Inhabitants rated under this Act to be free from Highway Rates.

CXVI. And be it enacted, That in case any Person shall take up or alter any Part of the Pavement, Carriageway, or Footway, and shall not forthwith, after Notice in Writing from any Five of the Commissioners or their Surveyor, cause the same to be properly relaid and reinstated, with the same or similar Materials and in the same Manner, as nearly as may be, as before the taking up or altering of the same, the Commissioners may 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, Carriageway, or Footway. Commissioners may alter Pavement, &c. in case of Neglect.

CXVII. 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 or for crossing any Street within the Limits of this Act. Commissioners may pave Footways.

CXVIII. 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.

CXIX. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to place any Fences, Rails, and Posts on the Sides of any Footways or Carriageways within the Limits of this Act to prevent 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 and renew any such Fences, Rails, or Posts, or to remove the same or any other Obstruction to any Carriageway or Footway within the Limits of this Act, as they shall think fit. Commissioners may place Fences to Footways.

[*Local.*]

28 L

CXX. And



Penalty on  
Persons alter-  
ing Pave-  
ments with-  
out Consent.

CXX. 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 Leave of the Commissioners for such Purpose having been first had and obtained (except when it may be necessary for repairing or cleansing any Drain issuing from or under his Premises into such Street, in which Case such Person shall give Three Days Notice thereof in Writing either to the Commissioners or their Surveyor), every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Power to  
construct  
common  
Sewers  
and public  
Urinals.

CXXI. 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 made and constructed in or under any Streets within the Limits of this Act, and also to cause any of the common Sewers, Drains, Vaults, Culverts, and Watercourses which now are or hereafter shall be within the same to be altered, extended, repaired, cleansed, and completed as to them shall seem necessary, and to carry and continue the same into and through any Tenements within the Limits of this Act; and also to put up and erect in such Places as they may think most convenient public Urinals, and alter and remove the same as they may think expedient.

Compensa-  
tion to be  
made for  
Injury sus-  
tained by  
such Sewers.

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

Communica-  
tion of pri-  
vate Drains  
with com-  
mon Sewer.

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

Occupiers to  
repair pri-  
vate Drains.

CXXIV. And be it enacted, That the Occupier of any Tenement from which any private Drain now issues or shall hereafter issue into any of the public Sewers, Drains, Vaults, Culverts, or Watercourses within the Limits of this Act shall belong shall repair and cleanse such private Drain when and in such Manner as the same shall be ordered by the Commissioners.

No House to  
be built until  
the Site is  
drained.

CXXV. And be it enacted, That it shall not be lawful to build any House within the Limits of this Act unless a covered Drain be first constructed, to the Satisfaction of the Commissioners or their Surveyor



Surveyor for the Time being, of such Material, of such Size, at such Level, and with such Fall as they or he shall direct, which Drain shall lead from the intended Site of such House to such common Sewer, common Drain, or common Watercourse as the Commissioners or their said Surveyor shall direct; or if there be no such common Sewer, common Drain, or common Watercourse within Ten Yards of any Part of the intended Site of such House, then to such Cesspool or other Place as the Commissioners or their said Surveyor shall direct, not more than Ten Yards from some Part of such intended Site.

CXXVI. And be it enacted, That in all Cases where any House built within the Limits of this Act shall not be drained by a sufficient Sewer or Drain communicating with some common Sewer, common Drain, or common Watercourse, to the Satisfaction of the Commissioners, and if a Sewer, Drain, or Watercourse of sufficient Size shall pass along any public Thoroughfare or Way in front of, behind, or near any Part of such House, on a sufficiently lower Level than the lowest Floor of such House, it shall be lawful for the Commissioners, by Notice in Writing, to require the Occupier of such House or the Owner thereof forthwith, or within such reasonable Time as shall be appointed by the Commissioners, to construct a covered Drain, of such Materials, of such Size, at such Level, and with such Fall as the Commissioners shall direct, from the said House to the said Sewer, Drain, or Watercourse; and if the Owner or Occupier of such House shall refuse or neglect, during Twenty-eight Days next after the said Notice shall have been delivered to such Occupier or left at such House, to begin to construct such Drain, or shall thereafter fail to carry it on and complete it with all reasonable Despatch, it shall be lawful for the Commissioners to construct the same, and to recover the Expences to be incurred thereby by Distress and Sale of the Goods and Chattels either of the Owner or of the Occupier of such House.

Drains to be constructed for Houses already built.

CXXVII. And be it enacted, That no Vault, Arch, Cellar, Sewer, or Drain shall be made under any Street within the Limits of this Act without the Consent of the Commissioners first obtained, in Writing under the Signatures of not less than Five Commissioners, at some Meeting specially called for the Purpose of obtaining such Consent; and that all Vaults, Arches, Cellars, Sewers, 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 or communicate with any Drains or Sewers under the Control of the Commissioners without their Consent; and if any Arch, Cellar, Vault, Sewer, 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 the Expences incurred thereby shall be paid by the Person making such Vault, Arch, Cellar, Sewer, or Drain, or causing the same to be made.

Vaults and Drains to be substantially made.

CXXVIII. And be it enacted, That no Person shall hereafter commence the making of any Vault, Arch, Cellar, Sewer, or Drain in or under any Street within the Limits of this Act, so as to interfere

No Person to interfere with public Drains without Consent.



or communicate with any Drain or Sewer under the Control of the Commissioners, without the Consent in Writing of the Commissioners obtained, after giving Three Days previous Notice thereof in Writing, describing the Place and Situation thereof, to the Commissioners or their Clerk or Surveyor.

Vaults and  
Drains to be  
kept in repair.

CXXIX. And be it enacted, That all Vaults, Arches, Cellars, Sewers, or Drains now or hereafter to be made in or under any Street within the Limits of this Act shall be kept in substantial Repair by the Owners thereof to the Satisfaction of the Commissioners; and in case any such Vault, Arch, Cellar, Sewer, 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 Owner or Occupier thereof, or the Owner or Occupier of any Tenement to which such Vault, Cellar, Sewer, or Drain may belong, or with which the same may be connected and used; and such Owner or Occupier shall also forfeit a Sum not exceeding Twenty Shillings for every Day such Vault, Arch, Cellar, Sewer, or Drain shall continue out of substantial Repair after Notice in Writing shall have been given to him by the Commissioners to repair the same, and a reasonable Time for completing such Repair shall have elapsed after the Service thereof.

Regulating  
Width of  
Streets.

CXXX. And be it enacted, That after the passing of this Act it shall not be lawful to form, set out, or build any new Street, Alley, or public Passage within the Limits of this Act unless the same, being a Carriage Road, shall be at least Forty Feet wide, and, being a Foot Passage, shall be at least Twenty Feet wide: Provided always, that nothing in this Clause contained shall extend or apply to any Carriage Road of a less Width than Thirty Feet, nor to any Foot Passage of less Width than Twenty Feet respectively, which shall be proved to the Satisfaction of the Commissioners to have been *bonâ fide* agreed to be formed or set out in the Disposition of any Estate for Sale in Lots, and of which a Sale Plan shall be so proved to have been prepared previous to the First Day of *July* One thousand eight hundred and forty-three.

Width of  
Streets in  
other Cases.

CXXXI. And whereas it may be desirable to pull down Buildings within the said Town and Borough, and to erect on the Sites of the same or on some Part of such Sites other Buildings, and for that Purpose to form and set out on such Sites or Parts thereof Streets, Alleys, and public Passages which did not exist before, and it may conduce to the public Advantage, and be expedient, under special Circumstances, to permit such Streets, Alleys, and Passages to be formed and set out of a less Width than Forty Feet and Twenty Feet respectively; be it therefore enacted, That it shall be lawful in any of the Cases aforesaid for the Commissioners (if they shall think fit) to consent and order that any Street, Alley, or public Passage shall be formed and set out of a less Width, being a Carriage Road, than Forty Feet and not less than Thirty Feet, and of a less Width than Twenty Feet, being a Foot Passage, under and subject to such Conditions and Restrictions as the Commissioners shall think proper; provided



provided that no such Consent or Order shall be given or issued except at some Meeting of the Commissioners, of which due Notice and the special Objects and Purposes thereof shall be given, nor unless Two Thirds at least of the Commissioners present at such Meeting shall concur therein.

CXXXII. 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 or 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 by the Commissioners, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence.

Houses to be numbered, and Streets to be named.

CXXXIII. And be it enacted, That if the Commissioners shall consider any Porch, Shed, projecting Window, Step, Cellar, Cellar Door or Window, Sign, Sign Post, Sign Iron, Showboard, Crane, 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 into 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 Thirty Days after the Service of such Notice upon him, remove such Obstruction or Projection, or alter the same in such Manner as shall have been directed by the Commissioners, or in default thereof such Owner or Occupier shall forfeit the Sum of Forty Shillings for every Week that such Matter or Thing shall not have been removed after such Notice as aforesaid.

Future Projections to be removed on Notice.

CXXXIV. And with regard to all Obstructions or Projections of a like Kind as those lastly before mentioned, which was or were erected or placed against or in front of any House or Building, or in, near, or over any Street or Footway, before the passing of the said recited 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 or Occupier against or in front of whose House or Building such Obstruction or Projection shall be Twenty-one Days before such Alteration or Removal shall be commenced, and the Commissioners shall make reasonable Compensation

Present Projections to be removed on Compensation made.



to every Person who shall incur any Loss or Damage by such Removal or Alteration.

Doors to be made to open inwards in future.

CXXXV. And be it enacted, That all Doors, Gates, and Bars (not being underground Doors) now or hereafter to be placed or affixed within the Limits of this Act, which shall be contiguous to or adjoin upon any Street or Footway, shall be so constructed as not to open in, upon, or over any such Street or Footway or any Part thereof; and if any such Door, Gate, or Bar shall be constructed so as to open in, upon, or over any Street or Footway or any Part thereof, it shall be lawful for the Commissioners or their Surveyor or other Officer to remove or alter the same, and the Expences of such Removal and Alteration shall be paid to the Commissioners by the Person causing such Door, Gate, or Bar to be constructed or continued, and such Person shall also be liable to a Penalty not exceeding Forty Shillings for continuing the same after Ten Days Notice from the Commissioners to remove the same.

Doors opening outwards may be altered by Commissioners.

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

Ruinous or dangerous Houses to be taken down or secured.

CXXXVII. And whereas it hath happened and may happen that some of the Houses or Buildings within the Limits of this Act are sometimes in so ruinous a Condition that Passengers passing by are in danger of their Lives or some bodily Harm from the falling thereof, or of Bricks, Stones, or Timber therefrom; be it therefore enacted, That on any Information, signed by Four or more Householders living within the Limits of this Act, that any such House or Building is in a ruinous or dangerous Condition, it shall be lawful for any Two Justices to cause the same to be surveyed by Two Surveyors, and if such Surveyors shall present that such House or Building is in a ruinous or dangerous Condition, the Commissioners shall, on Notice of any such Presentment being given, and a Copy thereof being laid before them, cause with all convenient Speed a sufficient Fence to be put up to guard such House or Building from the Street, and shall also cause Notice in Writing to be given to the Owner thereof, if he can be found within the said Limits, and if not, shall cause such Notice in Writing to be left at or fixed upon the said Premises, to repair or take down such House or Building, as the Case shall require, within the Space of Twenty Days then next ensuing; and if such Owner shall not repair or take down the same within the Time so limited the Commissioners shall with all convenient Speed cause all or so much of such House or Building as shall be in a ruinous Condition or dangerous to Passengers to be taken down and secured in such Manner as shall from Time to Time be thought requisite; and all the Charges of putting up every such Fence, and of taking down or securing such ruinous House or Building, shall from Time to Time be paid by the Owner of such House or Building.

CXXXVIII. And



CXXXVIII. And be it enacted, That if such Owner can be found within the said Town and Borough, 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 may be levied by Distress on the Owner.

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

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

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

CXL. And be it enacted, That in case any such House or Wall 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 of so much of the same as shall be pulled down, and to apply the Proceeds of such Sale in Payment of the Charges incurred in respect of such House or Wall; and the Commissioners shall restore any Overplus arising from such Sale to the Owner of such House or Wall, 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 Payment of the whole of the said Charges.

Commissioners may sell the Materials of Houses, &c. taken down.

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

Where Houses taken down, Commissioners may take Land to improve the Street.

CXLII. And be it enacted, That no Opening shall be made in the Paving or Soil of any Pavement within the Limits of this Act without the Consent of the Commissioners first obtained in Writing under the

No Opening to be made in Pavement without Consent.



Coverings to  
be made for  
Cellar Doors.

the Signatures of not less than Five Commissioners at some Meeting specially called for the Purpose of obtaining such Consent; and 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 or Cellar; and if the Occupier of any such Vault or Cellar shall make such Door or Covering without the Consent in Writing of the Commissioners, or shall make any such Door or Covering contrary to the Directions of the Commissioners, or shall not make and complete the same within a reasonable Time, or shall not keep the same when made in good Repair, he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Surveyor may  
inspect new  
Houses.

CXLIII. And be it enacted, That it shall be lawful for the Surveyor to the Commissioners, or any other Officer of the Commissioners, authorized by Writing under their Hands, and he is hereby authorized and empowered, at any Time during the Erection of any House or other Building within the said Town, and for the Space of Six Months next after the same shall be completed and fit for Habitation, and either alone or with any other Persons, at any seasonable Hour in the Day-time (first giving Three Days Notice in Writing to the Occupier, if there shall be any Person in the actual Occupation thereof, but otherwise without any Notice), to enter into any such Houses or other Buildings and Premises for the Purpose of viewing and examining and ascertaining the Width of the Party or Division Walls.

Regulations  
respecting  
Party Walls.

CXLIV. And for the better preventing Damage by Fire within the said Town, be it enacted, That if any Person shall commence building in the said Town any House or other Building without giving Fourteen Days Notice in Writing to the Surveyor to the Commissioners before commencing such Building, every such Person shall forfeit the Sum of Ten Pounds; and if any Houses or other Buildings of more than One Story in Height shall be built adjoining each other, and there shall not be a Party or Division Wall of solid Brick or Stone, or of both, of Nine Inches in Thickness, free from any Timber or Wood, or any other Material than Brick or Stone (except as herein-after is provided) between any Two of such Houses or Buildings, or if the same shall not be carried Nine Inches through the Roof and above the Covering of the Roof, then and in every such Case, and upon every such Default, the Owner or Proprietor or Person receiving or entitled to the Rents and Profits of each such House or other Building adjoining any other House or other Building between which Two adjoining Houses or other Buildings there shall not be such Party or Division Wall of solid Brick or of Stone, or of both, of the Thickness aforesaid, or not carried up as aforesaid, shall forfeit any Sum not exceeding Five Pounds for every Month during which such Houses or other Buildings shall continue without such Party or Division Wall as aforesaid: Provided always,



that nothing herein contained shall extend or be construed to extend to prohibit any Person so building as herein-before is mentioned from laying in any such Party Walls any Joists, Timber, or Purlins, or other Timber, from the respective Houses or other Buildings on each Side of such Party Wall that may be requisite or proper according to the accustomed Manner of building, so that a clear Space of Four Inches and a Half be left in the Party Wall between the respective Joists, Timber, or Purlins.

CXLV. And for the Purpose aforesaid, be it enacted, That if to every House or other Building of more than One Story in Height which shall be erected within Fifteen Feet of the Side of any other House or Building as aforesaid there shall not be on the Side next adjoining such other House or other Building a Wall of solid Brick or Stone, or both, of Nine Inches in Thickness, and of which Nine Inches Four and a Half Inches shall not be free from any Timber or Wood, or other Material than Brick or Stone, and if the same Wall shall not be carried Fifteen Inches through the Roof and above the Covering of the Roof, then and in every and any such Case, upon every or any such Default the Owner or Proprietor or Person receiving or entitled to the Rents and Profits of such House or other Building shall forfeit any Sum not exceeding Five Pounds for every Month during which such House or other Building shall continue without such Side Wall of the Dimensions, Materials, and Constructions aforesaid. Further building Regulations.

CXLVI. 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.

CXLVII. And be it enacted, That every Flat, Gutter, and Roof of every Building hereafter to be built, and also every similar Building which shall hereafter be placed in or on the Flat or Roof of any such Building, and every outer Part of every Flat, Gutter, Roof, Turret, Dormer, and Lantern Light, or other similar Erection in or on any Building now built, which shall at any Time hereafter be uncovered, shall be covered or renewed with some incombustible Material, except such Wood-work as may be necessary for the Doors, Door Frames, Windows, and Window Frames of such Dormers, Turrets, Lantern Lights, or other similar Buildings. Of what Materials Houses shall be roofed.

CXLVIII. And be it enacted, That where any House or Building or any Part thereof which now projects or shall hereafter, project beyond the regular Line of the Street in which the same shall be situated, or beyond the Front of any other House or Building on either Side thereof within the Limits of this Act, shall be taken down wholly or in part to be rebuilt or altered, or shall be burnt down wholly or in part, it shall be lawful for the Commissioners, by Writing under their Hands, to order that such House or Building shall, in the rebuilding thereof, be set back to the Line of the Street or the Projecting Houses when taken down to be set back.



Line of the adjoining House or Building, or some Part of such Distance, or, being a Corner House or Building, to reduce the Corner or Angle thereof, in such Manner as the Commissioners shall direct for the Improvement of such Street; and when the next House or Building shall not adjoin the House or Building which may be taken down, but shall be separate therefrom, then the same shall be set back to the Line of such Street as and in such Manner as such Order shall direct: Provided always, that the Commissioners shall make full Compensation to any such Person for any such Loss or Damage which he may sustain in consequence of his House or Building being set back according to the Provisions herein contained.

Commis-  
sioners may  
order Neces-  
sary Houses  
to be pro-  
vided.

CXLIX. And be it enacted, That it shall be lawful for the Commissioners to order the Owner of every House already erected or to be hereafter erected to build, provide, and maintain a suitable Necessary House for the Use of the Occupants of such House, and the same shall be built and sufficiently screened and fenced off to the Satisfaction of the Commissioners or their Surveyor; and if such Owner shall, for the Space of One Month next after Notice of such Order, fail to perform the same he shall forfeit for every Day's Neglect any Sum not exceeding Five Shillings, and thereupon it shall be lawful for the Commissioners to provide and maintain such Necessary House, and to charge the Owner of such House with the Costs and Charges thereof.

If Chimneys,  
&c. are ruin-  
ous, and  
Occupier  
neglects to  
secure them  
after Notice,  
summary  
Proceedings  
may be had.

CL. And be it enacted, That if the Chimney or Roof, or Parapet or other Wall, or any other Part of any Building, or any Chimney Pot or other Thing thereon, shall be deemed by the Commissioners or their Surveyor to be in a ruinous or dangerous State, they the said Commissioners, or any Five or more of them, or their Surveyor, shall give Notice thereof under their or his Hands or Hand to the Occupier of or other Person interested in any such Building, either personally or by leaving the same at or affixed to some conspicuous Part of the said Building, requiring such Occupier or other Person interested therein forthwith to take down, repair, rebuild, or otherwise secure the same to the Satisfaction of the Commissioners; and if such Occupier or other Person interested in such Building shall not begin to take down, repair, rebuild, or secure the same within the Space of Two clear Days after such Notice as aforesaid shall have been given, left, or affixed, and complete such taking down, repairing, rebuilding, or otherwise securing the same, to the Satisfaction of the Commissioners, as soon as the Nature of the Case will admit, it shall be lawful for the Commissioners or their Surveyor, if any immediate Danger is apprehended, to cause such Chimney or Roof, or Parapet or other Wall, or other Part of such Building, or such Chimney Pot or other Thing thereon, as shall be considered to be in a dangerous State, to be forthwith taken down, shored up, or otherwise secured; and in case no immediate Danger is apprehended, shall direct the Occupier or other Person interested in the said Building to take down, repair, rebuild, or otherwise secure the same, to the Satisfaction of the Commissioners or their Surveyor, within a Time to be fixed by them or him; and in case the same shall



shall not be taken down, repaired, rebuilt, or otherwise, secured within the Time to be limited as aforesaid, the Occupier of or other Person interested in any such Building shall forfeit any Sum not exceeding Forty Shillings for every Day during which the same shall so remain unrepaired or not sufficiently secured; and the Occupier shall, over and above the aforesaid Penalty, pay all the Costs, Charges, and Expences attendant upon the taking down, repairing, rebuilding, or otherwise securing such Chimney or Roof, or Parapet or other Wall, or other Part of such Building, or such Chimney Pot or other Thing.

CLI. And be it enacted, That any 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 Hand-rail, 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 Hand-rail 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 Hand-rail as aforesaid, or to continue the same respectively standing and in good Condition during the Time aforesaid, or shall not, whilst the said Hoard or Fence is standing, keep the same sufficiently lighted in the Night, or shall not remove the same when directed by the Commissioners within a reasonable Time afterwards, every Person so offending shall for every Offence forfeit a Sum not exceeding Ten Pounds.

Hoards to be set up during Repairs.

CLII. And be it enacted, That where 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 or 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 such Offence forfeit a Sum not exceeding Forty Shillings.

Penalty for not lighting Deposits of Building Materials or Excavations.

CLIII. Pro-



Penalty for continuing Deposits of Building Materials, &c. an unnecessary Time.

CLIII. 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.

CLIV. 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 Repair.

CLV. And be it enacted, That it shall be lawful for the Commissioners during such Time as any Street within the Limits of this Act, or any Drain or Sewer therein, shall be making, cleansing, or repairing, to close and block up such Street, or any Part thereof, by such Ways or Means as they shall think fit.

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

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

Waterspouts to be affixed.

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

Drains to be formed below the Pavement for Water from Houses.

CLVIII. 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 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



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.

CLIX. And whereas many Works, Acts, and Things are required by this Act to be done by the Owners and Occupiers of Tenements, Houses, Buildings, or Land, and other Persons, for the Improvement of the Streets, Sewers, and Drains, and for other Purposes hereinbefore 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, then within a reasonable Time, it shall be lawful for the Commissioners to cause such Work, Act, or Thing to be done; and the Expences which shall be incurred by the Commissioners in respect of such Work, Act, or Thing, shall be repaid to them by the Owner, Occupier, or other Person by whom the same ought to have been done.

In default of the Party liable, the Commissioners to execute the Works, and recover the Expence incurred thereby.

CLX. 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 Tenement, House, Building, or Land (without designating by which of the said Parties the same ought to be done), and the Occupier of such Tenement, 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 Tenement, House, Building, or Land; and the Owner shall allow such Occupier the Amount of all such Expences, and of any other Payments which such Occupier shall have been subjected to under the Provisions of this Act, in respect of the Nonperformance of any Work which the Owner ought to perform, 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.

CLXI. And be it enacted, That in all Cases (except as hereinbefore mentioned) where any Work, Act, or Thing is required by this Act to be done by the Owner or Occupier of any Tenement, House, Building, or Land (without designating by which of the said Parties the same ought to be done), 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 Tenement, House, Building, or Land; and in estimating the Value of such Interests the Owner shall be deemed to be entitled to such Tenement, House, Building, or Land in Fee Simple, subject only to the Term or Interest of the Occupier therein;

Adjustment between Owners and Occupiers.

[*Local.*]

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and



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.

Amount of  
Compensa-  
tion to be  
settled by  
Arbitration.

CLXII. And be it enacted, That in case the Amount of Compensation to be paid for any Injury or Damage occasioned by the Execution of any Works by this Act authorized to be done by the Commissioners shall be disputed, or cannot be agreed upon between the Commissioners and any Person sustaining such Injury or Damage, the Amount thereof, as also the Costs of Reference, shall be settled by Arbitration.

Arbitrators to  
be appointed  
within One  
Month.

CLXIII. And for the Purpose of providing as to the Determination of any Dispute authorized or directed by this Act to be settled by Arbitration, be it enacted, That within One Month after any such Dispute shall have arisen each Party shall in Writing nominate and appoint an Arbitrator to whom such Dispute shall be referred; and after such Appointment shall have been made neither Party shall have Power to revoke any such Appointment without the Consent of the other; and if for the Space of Fourteen Days after any such Dispute shall have arisen, and after a Request in Writing shall have been made from the other Party to appoint an Arbitrator, either Party fail to appoint such Arbitrator, then upon such Failure the Party making the Request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both Parties; and such Arbitrator may proceed to hear and determine the Matters which shall be in dispute, and in such Case the Award or Determination of such single Arbitrator shall be final.

Vacancy of  
Arbitrator to  
be supplied.

CLXIV. And be it enacted, That if before the Matters so referred shall be determined any Arbitrator appointed by either Party die, or become incapable or refuse or neglect to act as Arbitrator, the Party by whom such Arbitrator was appointed may nominate and appoint in Writing some other Person to act in his Place; and if for the Space of Seven Days after Notice in Writing from the other Party for that Purpose he fail to do so the remaining or other Arbitrator may proceed *ex parte*; and every Arbitrator so to be substituted as aforesaid shall have the same Powers and Authorities as were vested in the former Arbitrator at the Time of such his Death, Refusal, or Disability as aforesaid.

Appointment  
of Umpire.

CLXV. And be it enacted, That within Fourteen Days after their Appointment such Two Arbitrators shall nominate and appoint an Umpire,



Umpire, and in Cases wherein such Arbitrators cannot agree on any Matter referred to them the Decision of such Umpire on the Matter so referred shall be final.

CLXVI. And be it enacted, That such Arbitrators or their Umpire may call for the Production of any Documents in the Possession or Power of either Party which they or he may think necessary for determining the Question in dispute, and may examine the Parties or their Witnesses on Oath, and administer the Oaths necessary for that Purpose.

Power for Arbitrators to call for Books, &c.

CLXVII. And be it enacted, That it shall be lawful for the Commissioners to purchase or rent, from any Person willing to sell or let, any Tenement or Land for depositing Flag Pavement, Paving Stones, Lamps, Lamp Furniture, Street Sweepings, Ashes, Dirt, Dung, and other Filth, and for the Accommodation or Care of Animals, Matters, and Things provided, used, or employed under the Authority of this Act for any of the Purposes thereof.

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

CLXVIII. 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 to be 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.

Streets to be cleansed and watered.

CLXIX. 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 Dirt, Ashes, or Rubbish which shall be made on his own Premises, and shall be reserved for Manure, so that the same shall not be a Nuisance to any Inhabitant within the said Limits.

Occupiers allowed to use their own Ashes.

CLXX. And be it enacted, That the Persons employed by or contracting from Time to Time with the Commissioners for cleansing and also for 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 gather and collect together all Dirt, Ashes, and Rubbish from all such Streets, Houses, and Premises from which they shall contract or be employed to cleanse and 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

Duties of the Scavengers to be performed under Penalties.



the Commissioners, or to collect or 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.

CLXXI. And be it enacted, That every Occupier of any 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 Scaven-  
ger removing  
Dirt.

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

Supply of  
Water for  
the Streets.

CLXXIII. And be it enacted, That it shall be lawful for the Commissioners to contract and agree with any Company or Person for any Supply of Water for the Purpose of watering the Streets within the Limits of this Act.

Occupiers to  
cause Foot-  
ways to be  
swept.

CLXXIV. And be it enacted, That the respective Occupiers of Tenements within or adjoining any of the Streets within the Limits of this Act shall once in every Day (*Sundays* excepted), before Nine of the Clock in the Forenoon in each Day, cause to be swept and cleansed the Footways and Pavements in front and at the Side of their respective Tenements; 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; and provided also, that Complaints shall be made within One Week after every such Offence.

Commis-  
sioners may  
compound  
for sweeping  
Footways.

CLXXV. And be it enacted, That it shall be lawful for the Commissioners to compound, for such Time and in such Manner 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; and during the Time for which such Composition shall be in force such Person shall not be subject to any Penalty for any Neglect or Omission to sweep and cleanse such Footways for which such Person would otherwise have been liable.

Footways to  
be swept.

CLXXVI. 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.

CLXXVII. And



CLXXVII. And be it enacted, That if any Foundry, Candle-house, Melting-house, Melting-place, or Soap-house hereafter to be erected or made, or if any present or future Slaughter-house, Boiling-house for Bones, Offal, or other offensive Matter or Thing, Hog-stye, uninclosed or uncovered Yard or Place for the depositing or sifting of Lime, or any Necessary House, Dunghill, Manure Heap, or other offensive Building, Place, or Matter in or near any Street within the Limits of this Act, is or shall be a Nuisance to any Inhabitant thereof, it shall be lawful for the Commissioners, upon Complaint thereof made by any Inhabitant of the said Town, to inquire into the Matter of such Complaint; and if the Commissioners shall consider any such Premises or Matter of which such Complaint shall be made to be a Nuisance, it shall be lawful for them, by Notice in Writing under the Hands of Five or more of the Commissioners or their Clerk, to order the Person by or in whose Behalf such Nuisance is made or caused or produced to discontinue or remedy the same.

Commissioners may order Nuisances to be abated.

CLXXVIII. And be it enacted, That if any Nuisance as aforesaid shall not to the Satisfaction of the Commissioners be discontinued or remedied within Seven Days after the Service of such Notice, either on the Person by or on whose Behalf such Nuisance is made, caused, or produced, or by affixing the same on some Part of the Premises in question, such Person 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 as aforesaid: Provided always, that when any Person who shall think himself aggrieved by any such 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 in respect thereof, until the Expiration of Seven Days next after the Determination of such Appeal, and the Confirmation of the Order of the Commissioners, unless such Appeal shall cease to be prosecuted.

Penalty on not abating Nuisances.

CLXXIX. And be it enacted, That if any Person after public Notice given by any Justice directing Dogs to be confined on account of Suspicion of Canine Madness shall 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.

Penalty for suffering Dogs to go at large after Notice.

CLXXX. And be it enacted, That it shall be lawful for any Constable within the Limits of this Act, or for any Officer appointed by virtue of this Act, to destroy any Dog or other Animal found 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.

Dogs suspected to be mad may be destroyed.

CLXXXI. And be it enacted, That the Owner of any 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

Penalty for suffering mad Dogs to be at large.

[Local.]

28 P

believing



believing it to be in a rabid State, or to have been bitten by any Dog or other Animal in a rabid State, shall be liable to a Penalty not exceeding Five Pounds.

Penalty for  
using Dogs  
for drawing.

CLXXXII. And be it enacted, That it shall not be lawful for any Person to use any Dog for the Purpose of drawing or assisting in drawing any Truck, Cart, or other Carriage in any of the Streets, Lanes, public Passages or Places within the Limits of this Act, and any Person using any Dog for the Purposes aforesaid shall be liable to a Penalty of Five Shillings for every Time he shall so offend; and it shall be lawful for any Constable authorized to act within the Limits of this Act, or for any Officer appointed by virtue thereof, to destroy such Dog.

Power to  
provide a  
Pound.

CLXXXIII. And be it enacted, That it shall be lawful for the Commissioners to purchase, take, and provide, and from Time to Time to repair and uphold, suitable Premises within the Limits of this Act for the Purpose of being used as a Common Pound or Common Pounds for stray Animals, and for Carts, Carriages, and other Things left in any of the public Streets within the Limits of this Act without any Person being therewith or claiming or taking care of the same.

Power to im-  
pound stray  
Cattle.

CLXXXIV. 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 being therewith or claiming the same, or if any Cart, Carriage, or other Thing shall be left, or shall be standing, lying, or being in any of the public Streets within the Limits of this Act without any Person being therewith or claiming or taking care of the same, it shall be lawful for any Constable, or any Officer appointed by virtue of this Act, or for any Inhabitant or Person within the Limits of this Act, to seize and impound any such Horse, Cattle, or Animal, Cart, Carriage, or other Thing, in any Common Pound within the said Limits, 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 Horse, Cattle, Animal, Cart, Carriage, or other Thing so impounded pay a Sum of Money not exceeding Ten Shillings, as any Two Justices shall adjudge, besides the reasonable Charges and Expences of impounding and keeping the same, to be ascertained and determined by such Justices.

Power to sell  
stray Cattle  
for Penalty  
and Ex-  
pences.

CLXXXV. And be it enacted, That if the said Sums of Money and Expences shall not be paid within Three Days after such impounding it shall be lawful for any Officer who may be appointed by the Commissioners to sell or cause to be sold any such Horse, Cattle, Animal, Cart, Carriage, or other Thing; 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 Horse, Cattle, Animal, Cart, Carriage, or other Thing, if the Owner thereof shall be known, or if not, then Seven Days Notice of such intended Sale shall be given by Advertisement in some Newspaper published or circulated within the Limits of this Act; and the Money arising from such Sale shall



shall be accounted for and paid to the Commissioners; and after deducting therefrom the said Monies, Charges, and Expences aforesaid, and such other Expences as may attend the keeping and Sale of any such Horse, Cattle, Animal, Cart, Carriage, or other Thing so impounded, the clear Surplus thereof shall be paid, on Demand, to the Owner of such Horse, Cattle, Animal, Cart, Carriage, or other Thing.

CLXXXVI. 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, Animal, Cart, Carriage, or other Thing which shall be seized or 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 Horse, Cattle, Animal, Cart, Carriage, or other Thing, or any Distress or Levy, which shall be seized, impounded, or made under the Authority of this Act, until such Horse, Cattle, Animal, Cart, Carriage, or other Thing 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 Two Justices, be committed by them to the Common Gaol or House of Correction of the said Town, there to remain without Bail for any Time not exceeding Three Months: Provided that, without Prejudice to the Powers herein-before given to the Commissioners, nothing in this and the Three preceding Clauses contained shall take away, abridge, prejudice, or affect any Manorial or other Rights, Powers, or Privileges of or belonging to the Lord or Lords of any Manor within the said Town of *Northampton*, but that the same shall be held, enjoyed, and exercised by him or them, his or their Heirs, the Lord or Lords respectively of the said Manor for the Time being, in the same Manner as they have hitherto been, any thing herein-before contained to the contrary notwithstanding.

Punishment  
of Persons  
guilty of  
Pound-  
breach.

CLXXXVII. 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 Five in the Morning and Eleven at Night, or remove along any Street any Night Soil, Soap Lees, Ammoniacal Liquor, or other such offensive Matter between the Hours of Six in the Morning and Eleven at Night, 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  
Time.

CLXXXVIII. And be it enacted, That every Person who shall remove or suffer to be removed any Manure from any Premises in his Occupation into and along any public Street, Lane, Passage, or Place,

Removal of  
Manure to be  
within cer-  
tain Hours.



Place, within the Limits of this Act, between the Hour of Ten in the Morning and Sunset from *Lady Day* to *Michaelmas*, and between the Hour of Eleven in the Morning and Sunset from *Michaelmas* to *Lady Day*, shall for such Offence forfeit any Sum not exceeding Forty Shillings; and if any Manure shall be suffered to remain in any such public Street, Lane, Passage, or Place between the Hours aforesaid, the Person from whose Premises the same shall have been removed shall for such Offence forfeit any Sum not exceeding Forty Shillings.

Penalty for  
not closing  
Forges after  
Sunset.

CLXXXIX. And be it enacted, That if any Blacksmith, Whitesmith, 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.

Penalty for  
setting Chim-  
ney on fire.

CXC. 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 on  
Persons  
hoisting  
Goods into  
Warehouses  
without pro-  
per Tackle;

CXCI. And be it enacted, That if any Person shall hoist, lower, take in, or deliver any Cask, Puncheon, Barrel, Sack, Bag, or other Thing into or from any Warehouse, Building, Cellar, or Vault within the Limits of this Act without proper and sufficient Ropes and other Tackle in good Order and Condition, and fit for such hoisting, lowering, and taking in or delivering, and without slinging or otherwise effectually securing such Cask, Puncheon, Barrel, Sack, Bag, or other Thing, so as to prevent the same from slipping, breaking away, or falling, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds.

and on Occu-  
piers of  
Warehouses,  
&c. permit-  
ting Goods to  
be so hoisted  
in or deli-  
vered out of  
the Ware-  
house, &c.

CXCII. And be it enacted, That if any Owner or Occupier of any Warehouse, Building, or Room therein, or of any Cellar or Vault within the Limits of this Act, shall wilfully or negligently permit or suffer any Cask, Puncheon, Barrel, Sack, Bag, or other Thing to be hoisted, lowered, taken in, or delivered out of any Warehouse, Building, Cellar, or Vault without having proper and sufficient Ropes and other Tackle in good Order and Condition, and fit for such hoisting, lowering, taking in, or delivering, every Person so offending shall for every Offence forfeit a Sum not exceeding Five Pounds; provided that no Person shall be liable to the said Penalty other than the Party whose Duty it was to provide and have or keep sufficient Rope and Tackle for any of the Purposes aforesaid, and who shall be proved to have failed to provide or have or keep the same.

CXCIII. And



CXCIII. And be it enacted, That it shall be lawful for the Commissioners to direct any Prosecution for any public Nuisance whatsoever which shall be committed or suffered within the said Town and Borough, and for or concerning any Resistance to the Execution of this Act, or to the Authority of any Person acting under the same, and to direct and order the Expences of any such Prosecution to be paid and borne by and out of the Rates or Assessments to be made under this Act.

Commissioners may order Prosecutions for public Nuisances.

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

Penalty for Nuisances in the Streets.

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

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



Every Person who shall drive or convey any laden Waggon, Dray, Truck, or Timber Carriage down the Street called *Bridge Street* in the said Town without having the Wheels locked or secured with a Skid or Shoe, or not safely secured :

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 or Annoyance of Passengers :

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 (excepting 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 :

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 lead or ride any Horse or other Animal, or draw or drive any Cart or Carriage, Sledge, Truck, or Barrow, upon any Footway or Curb-stone; 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 other Matter or Thing, or place or use any Standing Place, Stool, Bench, Stall, or Showboard, on any Footway, or on any Part of any Street of the said Town (except on *Saturdays*), and then only subject to and under the Superintendence and Control of the Commissioners or their Surveyor (or some Person appointed by the Commissioners for that Purpose); or who 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 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 sell or cause to be sold, by Auction, Outcry, or otherwise, any Goods, Articles, or Things whatsoever (except under Leave from the Mayor of the said Town for such Purpose first obtained):

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

Every Person who shall suffer any Goods or Merchandize, or any Coal or Fuel intended for any House, to remain in any Street



for a longer Period than shall be necessary for the housing or removing thereof :

Every Person who shall place any Line, Cord, or Pole across any Street, or hang or place any Clothes thereon, to the Danger or Obstruction of any Person ; or who shall hang out or expose any Clothes or other Article for the Purpose of being dried :

Every Person who shall wantonly discharge any Fire-arm, or throw any Stone or other Missile, to the Damage or Danger of any Person, or make any Bonfire, or throw or set fire to any Fire-work :

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, or destroy or damage the Glass or any Part of such Lamp :

Every Person who shall fly any Kite, trundle any Hoop, 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 Stone or Timber (except for the Purpose of getting the same into his Premises, and only then where the same can be done without Obstruction to the Passage of such Street) ; or slack, sift, or screen any Lime :

Every Person who shall throw or lay any Stones, Slates, Shells, Lime, Bricks, Timber, Iron, or other Materials (except Building Materials or the Rubbish thereby occasioned, according to the Provisions herein-before contained) :

Every Person who shall beat or shake any Carpet, Rug, or Mat (except Door Mats before the Hour of Eight in the Morning).

CXCV. 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  
for 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, except Snow or Ice :

Every Person who, without the Consent of the Owner or Occupier, shall affix any Posting Bill or other Paper upon any House or Building, Wall, Fence, or Paling ; or write upon, soil, deface, or mark any such House or Building, Wall, Fence, or Paling with Chalk or Paint, or in any other Way whatsoever ; or wilfully break, destroy, or damage any Part of such House or Building, Wall, Fence, or Paling, or any Rapper, Knocker, Bell Handle, or any other Fixture or Appendage thereunto, or any Tree, Shrub, or Seat in any public Walk or Place :

Every



Every Person who, to the Danger of Passengers in any Thoroughfare, shall leave open any Vault or Cellar; or the Entrance from any Thoroughfare to any Cellar or Room under Ground, without a sufficient Fence or Hand-rail; 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 therein:

Every Person who shall throw or lay any Dirt, Litter, or Ashes, or any Carrion, Fish, Offal, or Rubbish, in 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, boil or burn any Rags or any offensive Substance so that the same shall be a common Nuisance:

Every Person who shall place or keep any offensive Matter in any inclosed or open Ground so as the same may become a Nuisance or Annoyance to any Inhabitant.

Power to Commissioners to light the Streets.

CXCVI. 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 and in such Manner as they shall think fit, and to provide, lay, and affix such Lamps, Lamp Posts, Lamp Irons, Pipes, and other Works as may be necessary for that Purpose.

Commissioners may contract for lighting the Streets.

CXCVII. 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 any Gas Works for the Supply of such Gas as the Commissioners may think necessary for lighting such Streets.

For ascertaining Price to be paid for Gas in case of Dispute.

CXCVIII. And be it enacted, That if the Commissioners and the Owners of any Gas Works shall not agree as to the Price to be paid for such Supply, then such Price shall be ascertained by Two Persons,



sons, 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.

CXCIX. And be it enacted, That if the Owners of any Gas Works shall refuse to agree with the Commissioners as aforesaid for such Supply of Gas, or shall refuse to appoint a Referee in manner aforesaid, or in case such Referees shall not agree in the Appointment of their Umpire, 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. Power to manufacture Gas.

CC. And for the Purpose of enabling the Commissioners, or any Person or Company with whom the Commissioners 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 the Commissioners may contract for lighting the said Streets, or any of them, under the Control and Direction of the Commissioners, to break up the Soil or Pavement of any Street within the Limits of this Act, and to lay and fix therein such Pipes, Lamp Posts, and other Works as they or he may deem necessary for lighting the same, and also to lay and place against any Houses, Buildings, and Inclosures such Pipes, Lamp Posts, Lamp Irons, and Lamps, and other Works as they may deem necessary for the Purposes aforesaid: Provided always, that the Commissioners or other Persons as aforesaid shall not lay or continue any Lamp Post, Lamp Iron, Pipe, or other Work against or through any private Building, Inclosure, or Land, except with the Consent of the Owner and Occupier thereof. Power to break up Streets and lay down Pipes, &c.

CCI. 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. Service Pipes to be kept fully charged.

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

[*Local.*]

28 R

CCIII. And



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

CCIII. 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.

Daily Pe-  
nalty during  
the Continu-  
ance of the  
Offence.

CCIV. 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 Pe-  
nalty during  
Escape of  
Gas after  
Notice.

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

Position of  
Gas Pipes  
with refer-  
ence to Water  
Pipes.

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

Manner of  
laying the  
Gas Pipes.

CCVII. 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



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.

CCVIII. And be it enacted, That if any Gas Pipe shall be laid down, formed, or jointed contrary to any of the Provisions herein contained, or if the Gas shall escape from any such Pipe, the Person to whom such Gas Pipe shall belong shall forfeit for every such Offence any Sum not exceeding Ten Pounds, and after Conviction for any such Offence shall forfeit any Sum not exceeding Five Pounds for every Day such Offence shall continue after the Conviction.

Penalty for laying Gas Pipes contrary to the Act.

CCIX. 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 or using Gas within the Limits of this Act, (in case the User shall have caused such Contamination,) such Person shall forfeit for every such Offence any Sum not exceeding Twenty Pounds to the Person whose Water shall be so contaminated or affected.

Penalty on Persons supplying Gas if any Water is contaminated.

CCX. 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 any Sum not exceeding the Sum of Ten Pounds for each Day during which the said Water shall remain contaminated or affected after the Expiration of Twenty-four Hours from the Service of such Notice.

Daily Penalty during the Continuance of the Contamination after Notice.

CCXI. 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: Provided always, that before proceeding so to dig and examine Twelve Hours Notice shall be given to the Person making or supplying such Gas of the Time at which such digging and Examination are intended to commence and take place.

Power to examine Gas Pipes to ascertain Cause of Contamination.

CCXII. 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,

The Expences to abide the Result of the Examination.



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.

CCXIII. 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.

Person supplying Gas to be liable to Indictment for Nuisance.

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

Fire Engines and Firemen may be provided by the Commissioners.

CCXV. 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 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.

Power to provide Fire-plugs.

CCXVI. And be it enacted, That it shall be lawful for the Commissioners to provide and maintain Fire-plugs and all necessary Apparatus, Machinery, and Assistance for securing an efficient Supply of Water in Cases of Fire, and to paint or mark on the Buildings and Walls within the Limits of this Act any Words, Figures, or other Marks near or opposite to such Fire-plugs to denote the Situation thereof, and to do and perform such other Matters and Things for that Purpose as they may from Time to Time deem expedient.

Power to levy Rates.

CCXVII. 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 Third *Wednesday* next after the passing thereof, or oftener, if they shall think it necessary, to make One or more equal Rate or Rates, Assessment or Assessments, to be signed by any Five or more of the Commissioners, upon the Occupiers of all Property in the said several Parishes which is or shall be assessed



assessed to the Poor Rate, and of all Property in the extra-parochial Parts and Places within the Limits of this Act which is or shall be assessed to the Borough Rate of the said Town, and upon the County Hall and the County Gaol and House of Correction within the Limits of this Act, according to the annual Value of the same, so as such Rate or Assessment do not exceed in any One Year the Sum of Three Shillings and Sixpence in the Pound on such annual Value (except as herein-after is provided): Provided always, that all Houses and Lands used as Arable, Meadow, or Pasture Ground only, or as Lands to be Woodlands or Garden or Nursery Ground, shall be rated or assessed in the Proportion of One Third Part only of the greater Sum to be rated or assessed on the other Properties to be charged in each such Rate or Assessment. rated separately.

CCXVIII. Provided always, and be it enacted, That the Occupier of any Houses, Buildings, Lands, Tenements, or Hereditaments situate in or contiguous to any Street, public Passage or Place within the Limits of this Act, which may not be paved with Flag Stones or smooth Pavement, shall be rated for the Purposes of this Act, in respect of such Houses, Buildings, Lands, Tenements, or Hereditament, at Two Third Parts only of such Sum as shall be charged on the Occupier of any Houses, Buildings, and Tenements situate in any Street paved with Flag Stones or smooth Pavement. Houses in Streets not paved with smooth Pavement.

CCXIX. Provided also, and be it enacted, That the Sum of Two Shillings and no more shall be rated and assessed upon such Part of the County Hall and County Gaol as are or may be situated on the Side of any Street within the Limits of this Act paved with smooth Pavement; and the Sum of One Shilling and Four-pence and no more shall be rated and assessed upon such Part of the said County Hall or Gaol as is or may be situated on the Side of any Street not paved with smooth Pavement, for every Yard running Measure of the Length in Front or Flank of such County Hall or Gaol. Halls, Gaols, &c. how to be rated.

CCXX. Provided also, and be it enacted, That the Sum of One Shilling and Sixpence and no more shall be rated and assessed for every Yard running Measure for those Parts of the *Market Hill* and *Wood Hill* in the said Town which have been heretofore respectively repaired at the Expence of the Mayor, Bailiffs, and Burgesses of the said Town or Borough of *Northampton*, and which are now repaired at the Expence of the Mayor, Aldermen, and Burgesses, being the Council of the said Town or Borough. Market Hill and Wood Hill how to be rated.

CCXXI. And be it enacted, That the Rates or Assessments so to be made and laid upon any Hall, Gaol, public or other Building belonging to the Mayor, Aldermen, and Burgesses of the said Town of *Northampton*, and the Rates or Assessments so to be laid upon the said *Market Hill* and *Wood Hill*, shall be paid by the Treasurer for the Time being of the said Mayor, Aldermen, and Burgesses; and the Rates or Assessments so to be laid upon the County Hall, the House belonging to the County Gaol now used as Judges Lodgings, and all other Property within the Limits of this Act belonging to the By whom the Rates assessed on Halls, Gaols, &c. shall be payable.



Magistrates of the said County of *Northampton* or used for County Purposes, shall be paid by the Treasurer of the said County of *Northampton*; and if such respective Treasurer shall refuse or neglect to pay the same within Fourteen Days after the same shall become due, and Demand made thereof by the Collector, then and in every such Case such Rates or Assessments shall be recovered by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

Lands and Houses to be rated separately.

CCXXII. And be it enacted, That it shall be lawful for the Commissioners and they are hereby required, whenever one and the same Person shall be possessed or in the Occupation 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 Court Yard 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.

Notice of Rate to be given.

CCXXIII. And be it enacted, That no Rate or Assessment to be made under the Authority of this Act shall be valid unless Notice of the Intention of making such Rate, and of the Time at which the same is intended to be made, shall be given by the Commissioners by Advertisement once in some Newspaper printed or circulated within the Limits of this Act immediately previous to such Rate being made, or as nearly so as may be.

Rate to be open to Inspection of Rate-payers.

CCXXIV. 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 Person may take Copies or Extracts from such Rate without paying any thing for the same, or be furnished with Copies or Extracts from such Rate, paying to the Person having the Custody thereof for any Copy or Extract which shall be less than One Folio of Seventy-two Words, the Sum of One Shilling, and for every succeeding Folio the Sum of One Penny Halfpenny; and if the Person having the Custody of such Rate shall neglect or refuse or shall not permit any Person so rated as aforesaid to take Copies or Extracts from such Rate, or to make such Copies or Extracts at the Rate aforesaid, he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Rates to be vested in the Commissioners.

CCXXV. 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 and in such Manner as they shall direct to the Collectors to be appointed by them.

Value of Property to be according to Poor Rate or Borough Rate.

CCXXVI. And be it enacted, That the annual Value of all Property to be rated under this Act shall be ascertained, as to such Part or Parts thereof which is or are parochial, from the then last Assessment made for the Relief of the Poor of the Parish in which such rateable Property is situate within the Limits of this Act; and as to such



such Part or Parts thereof as is or are extra-parochial from the then last Rate or Assessment called the Borough Rate in the said Town, except as by this Act it is otherwise provided.

CCXXVII. 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 Poor Rates for the several Parishes within the said Town, and the Assessments by which the same are made, and also the Borough Rate for the said Town or Borough, and the Assessment by which the same is made, and to take Copies of or Extracts therefrom respectively; and if any Person having the Custody of any such Rates or Assessments shall not suffer the Commissioners or any Person authorized by them to inspect the same or any of them, or to take Copies thereof or Extracts therefrom, he shall forfeit a Sum not exceeding Forty Shillings for every such Offence.

Poor Rates and Borough Rates to be open to Inspection by Commissioners.

CCXXVIII. Provided always, and be it enacted, That if at any Time there shall be no Borough Rate made within Twelve Months preceding the making of any Assessment under the Provisions of this Act, then it shall be lawful for the Commissioners to cause a Valuation to be made of all the rateable Property within the Limits of this Act, by some competent Person to be appointed by them for that Purpose; and the Rate or Assessment to be made by the Commissioners for the Purposes of this Act shall in that Case be made upon such Valuation.

If Borough Rate not made, a Valuation to be made.

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

Valuer to make a Declaration.

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

Net annual Value.

CCXXXI. 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.

CCXXXII. 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 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

Rates may be amended.



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 could 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.

Occupiers  
may be rated  
if they think  
fit.

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

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

CCXXXIV. 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 Justices acting at any Special Sessions 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 Party appealed against, and also to the Clerk to the Commissioners, Seven Days at least before the Day appointed for such Special Sessions.

Rates to be  
recovered by  
Action or by  
Distress.

CCXXXV. 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 upon Demand by the Collector of the Rates, 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 Collector of such Rates, summon any such Person to appear before him, at a Time to be mentioned in the Summons, to show Cause why the Rates due from him should not be paid; and in case such Person shall not attend at the Time mentioned in the Summons, or no sufficient Cause for the 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.

CCXXXVI. 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.

CCXXXVII. 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.

CCXXXVIII. Pro-



CCXXXVIII. Provided always, and be it enacted, That if any Person shall think himself aggrieved by any Rate or Assessment to be made in pursuance of this Act, such Person may, by himself or by his Agent, apply to the Commissioners at any of their Meetings, and it shall be lawful for the Commissioners on such Application to mitigate or reduce such Rate or Assessment, and to give such Relief in the Premises as to them shall seem just and reasonable.

Commissioners empowered to reduce the Rates.

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

Rates may be reduced or remitted on account of Poverty.

CCXL. And be it enacted, That the Owners of all rateable Property within the Limits of this Act, the yearly Rent or Value whereof respectively shall not exceed Eight Pounds, shall be rated to and pay the Rates by this Act directed to be made instead of the Occupiers thereof; but such Payment by the Owner shall not in any Manner affect or prejudice the Right of any Occupier to the Enjoyment of any Franchise to which he may be entitled within the said Town and Borough.

Owners to pay the Rate in certain Cases.

CCXLI. Provided always, and be it enacted, That whenever the Owner shall be so rated such Owner shall not be liable to pay more than Two Thirds of the Rate by this Act imposed, and to be recovered in the same Manner as is herein mentioned with respect to the Recovery of Rates.

The Landlord to be charged at a reduced Rate.

CCXLII. 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.

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

Receiver of Rents to be deemed the Owner.

CCXLIV. 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.

Tenant under existing Lease to repay the Owner.

[Local.]

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CCXLV. And



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

CCXLV. 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.

Owner to  
repay the  
Occupier.

CCXLVI. 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.

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

CCXLVII. 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 forthwith, or 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.

CCXLVIII. And be it enacted, That when any Rate shall have been made for a particular Period, and the Owner or Occupier who shall be rated to such Rate shall cease to be the Owner or Occupier of the Property in respect whereof he shall be rated before the End of such Period, such Owner or Occupier shall be liable to pay a Portion only of the Rate payable for the whole of such Period, proportionable 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 proportionable to the Time during which he shall have held or occupied the Property so rated; and any Justice of the Peace shall be and is hereby authorized to make such Apportionment in like Manner as is now by Law in similar Cases authorized with respect to the Apportionment of Rates made for the Relief of the Poor.

CCXLIX. And



CCXLIX. 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.

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

CCL. Provided always, and be it enacted, That no House, Building, Land, Tenement, or Hereditament as aforesaid shall be charged or chargeable with any such Rate or Assessment as aforesaid during the Time the same shall be empty or unoccupied.

Houses, &c. not to be charged when unoccupied.

CCLI. And be it enacted, That the Money which shall arise from the said Rates, or other Money to be received by the Commissioners under this Act, shall be applied in the first place in paying the Expences of obtaining and passing this Act, or incident thereto, and in repaying all and every Sum and Sums of Money which shall have been or shall be advanced by any Person or Persons for the Payment of such Costs, Charges, and incidental Expences, with lawful Interest for the same, in case the Commissioners shall not think proper to pay such Costs, Charges, Interest, and Expences out of the Monies directed to be raised or borrowed on the Credit of the Rates as herein-before is mentioned, and after Payment thereof the same shall be applied in the first place in Payment of the Interest of the Monies borrowed on Mortgage of the said Rates, and of the Annuities granted by virtue of this Act, and in the next place in carrying the 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.

Application of Rates.

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

Damages to be ascertained with the Penalty.

CCLIII. And for the Purpose of providing for the Recovery of any Damages, Expences, or Charges 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 Damages, Expences, or Charges 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, together with the Costs of the ascertaining and Recovery thereof, to be ascertained by such Justice or Justices, shall be levied by Distress, and the Justice or Justices may issue his or their Warrant accordingly.

Provision for Damages not otherwise provided for.

CCLIV. And



For ascer-  
taining Da-  
mages.

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

Recovery of  
Money from  
Commis-  
sioners.

CCLV. And with respect to any Money under the Provisions of this Act directed 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 Rates, Rents, or other Monies to arise by virtue of this Act; but no such Distress shall issue against the Goods and Chattels of such Commissioners, nor shall any such Rates, Rents, or other Monies be attached, unless Twenty-one Days previous Notice in Writing, stating the Amount so due, and demanding Payment thereof, shall have been given to the Commissioners, or their Clerk or Treasurer, or left at his usual Place of Abode.

Penalties to  
be recovered  
summarily  
before One  
Justice or  
more.

CCLVI. 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 Justice; 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 or last known 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 Justice or Justices shall think fit.

Penalties to  
be levied by  
Distress.

CCLVII. 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



and Costs, together with the Costs of the Distress, shall be levied by Distress, and any One or more Justice or Justices shall issue his or their Warrant of Distress accordingly.

CCLVIII. 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 the Justices, then such Justices shall, by Warrant, cause such Offender to be committed to the Common Gaol of the said Borough, 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.

CCLIX. 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 Commissioners, to be applied for the Purposes of this Act, or if the Commissioners be the offending Party, shall award one Half thereof to the Informer, and the other Half to the Borough Fund.

Application of Penalties.

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

Penalties to be sued for within Six Months.

CCLXI. 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.

Justices may administer an Oath.

CCLXII. 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 Offence committed against this Act, or any Bye Law made by virtue thereof, or any other Matter in which such

Justices may summon Witnesses.



Penalty on  
Witnesses  
making de-  
fault.

Justice shall have Jurisdiction by the Provisions of this Act, 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.

Liability not  
to disqualify  
Witnesses or  
Justices.

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

Transient  
Offenders.

CCLXIV. 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.

Form of  
Conviction.

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

Informalities.

CCLXVI. 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.

CCLXVII. 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 (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 not  
to be unlaw-  
ful for Want  
of Form.

CCLXVIII. 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  
4 by



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.

CCLXIX. And be it enacted, That if any Person shall think himself aggrieved by any Rate made, or any Order, Determination, or Adjudication of any Justice, 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 or Quarter Sessions of the Peace for the said Town; but no such Appeal shall be entertained unless it be made within Four Months next after the making of such Order, 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 such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Parties may appeal to Quarter Sessions on giving Security.

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

Court to make such Order as they think reasonable.

CCLXXI. And be it enacted, That nothing in this Act contained shall defeat or prejudice or lessen or abridge the Rights of the Lord or Lords of the Manor of the Town or Borough of *Northampton*, or any other Person, of, in, or to any Tolls, Customs, or Duties which he or they is or are entitled unto by Charter, Prescription, or otherwise.

Saving of Rights.

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

Interpretation 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 Expression "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Westminster*:

The



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 "Town" shall include the Borough of *Northampton* :

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

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

The Word "Tenements" 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.

Public Act.

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



## SCHEDULES referred to by the foregoing Act.

## SCHEDULE (A.)

No. *Form of Mortgage Deed.*

By virtue of an Act passed, &c., intituled, &c., we, Five of the Commissioners appointed by 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, 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, 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.)

No. *Form of Grant of Annuity.*

By virtue of an Act passed, &c., intituled, &c., we, being Five of the Commissioners appointed by the said Act, in consideration of the Sum of \_\_\_\_\_ paid by *A.B.* of \_\_\_\_\_ to the Treasurer of the said Commissioners, do grant unto the said *A.B.* an Annuity or yearly Sum of \_\_\_\_\_ to be issuing out of the Rates, Rents, and Assessments arising by virtue of the said Act, to be paid to the said *A.B.* during the Term of his natural Life, [*or, as the Case may be, to the said A.B., 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 on the \_\_\_\_\_ Day of \_\_\_\_\_ next ensuing the Date hereof. In witness whereof we have hereunto set our Hands and Seals the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred \_\_\_\_\_ and \_\_\_\_\_



## SCHEDULE (C.)

*Form of Transfer of Mortgage or Grant of Annuity.*

I *A. B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_  
 paid to me by *C. D.* of \_\_\_\_\_ do hereby transfer to  
 the said *C. D.*, his Executors, Administrators, and Assigns, a certain  
 Mortgage, Number \_\_\_\_\_ [or a certain Grant of Annuity,  
 Number \_\_\_\_\_ as the Case may be], made by the Com-  
 missioners for executing the [here insert 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 Endorsement, 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, Rents,  
 or Assessments thereby assigned. In witness whereof I have here-  
 unto 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 Chancery ex parte "the North-  
 ampton Improvement Commissioners,"] or to *A. B.* of \_\_\_\_\_  
 and *C. D.* of \_\_\_\_\_ Two Trustees appointed to receive the  
 same, pursuant to an Act passed in the \_\_\_\_\_ Year of the Reign of  
 Her Majesty Queen Victoria, intituled [here insert the Title of this  
 Act], by the said Commissioners, do hereby convey to the said Commis-  
 sioners, 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 \_\_\_\_\_ 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 in the \_\_\_\_\_ Year of the Reign  
 of Queen Victoria, intituled [here insert the Title of this  
 Act], and to all Constables:

WHEREAS the under-mentioned Persons, now or late Owners or  
 Occupiers of Premises within the \_\_\_\_\_ have been duly rated  
 in \_\_\_\_\_



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

|       |   |   |   | Sums due. |
|-------|---|---|---|-----------|
|       |   |   |   | £ s. d.   |
| A. B. | - | - | - | -         |
| C. D. | - | - | - | -         |

### SCHEDULE (F.)

#### Form of Conviction.

to wit. } BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_  
} in the Year of our Lord One thousand eight hundred and  
\_\_\_\_\_ A. B. of \_\_\_\_\_ is convicted before me C. D., One of  
Her Majesty's Justices of the Peace for the  
[here describe the Offence generally, and the Time and Place when and  
where committed], contrary to an Act passed in the \_\_\_\_\_ Year  
of the Reign of Queen Victoria, intituled "An Act," &c. [here insert  
the Title of this Act]. Given under my Hand and Seal the Day and  
Year first above written.



