



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. xlvii.

An Act for better regulating the Market, and cleansing the Streets, and preventing Nuisances, in the Town of *Taunton* in the County of *Somerset*; and for amending Two several Acts of His late Majesty King *George* the Third relative thereto. [17th *May* 1833.]

WHEREAS an Act was passed in the Eighth and Ninth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for erecting a Market House and holding a Market in the Town of Taunton in the County of Somerset, and for preventing the holding of any Market in the Streets of the said Town, and for cleansing the Streets, and preventing Nuisances and Obstructions therein, and for lighting certain Streets in the said Town*: 8 & 9 G. 3. c. 44.
And whereas one other Act was passed in the Fifty-seventh Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for enlarging the Market Place, and regulating the Market, in the Town of Taunton in the County of Somerset, and for better lighting, cleansing, and otherwise improving the said Town; and for amending an Act of His (then) present Majesty relative thereto*; and certain Persons were appointed as Trustees of the said Market, and generally to carry the Provisions of the said Acts into execution: 57 G. 3. c. 65.
[*Local.*] 12 Q the

the said Trustees have set out the said Market according to the Directions of the said recited Acts, and have proceeded to carry the same Acts into execution; but the Powers granted by the said Acts are not sufficient for the Purposes thereof; and it is expedient that the said Trustees should be invested with further Authorities, and that the said recited Acts should be amended in other respects: And whereas by the said first herein-before recited Act, passed in the Eighth and Ninth Years of the Reign of His Majesty King *George* the Third, it is amongst other Things enacted, that if any Person or Persons shall drive or place any Carriage whatsoever, or shall ride, lead, drive, or place any Horse or Beast, or shall drive any Wheelbarrow, or shall use any Wheel or draw any Sledge upon the Foot Pavement within the said Town; or shall throw or lay, or shall permit or suffer to be thrown or laid, any Ashes, Dirt, Dust, Soil, Straw, Dung, or any Filth or Annoyance whatsoever, either upon the Carriage or Foot Pavements in any of the said Streets and public Passages within the said Town; or shall set out or leave, or cause or procure to be set out or left, any Carriage, Timber, Stone, Cask, or any other Matter or Thing which may occasion any Annoyance, Nuisance, or Obstruction whatsoever in any of the said Streets and public Passages, so as to stop, obstruct, incommode, or endanger any Person or Carriage passing therein; or shall permit or suffer his or her Swine to go at large in any Street, Lane, or public Place within the said Town; or shall take or carry away the Dirt, Filth, and Rubbish which shall be in any of the said Streets or public Passages, unless for that Purpose appointed by the said Trustees, or any Nine or more of them; every Person offending in any of the Cases aforesaid shall, for every such Offence, forfeit and pay the Sum of Ten Shillings; and it is further enacted, that the Trustees, or any Nine or more of them, shall and may appoint such Officers and other Persons as they shall think necessary to employ in the Execution of the said Act, and shall and may remove or displace them from Time to Time, as they, or any Nine or more of them, shall think proper, and appoint others in their Room; and the said Trustees, or any Nine or more of them, shall and they are thereby required to take Security from the said Officers and Persons for answering and accounting for all Monies which shall be by them respectively received and paid, and for the due Performance of all other Matters in the Execution of their respective Offices, as to the said Trustees, or any Nine or more of them, shall seem meet; and it is expedient to repeal the same, and to make other Provisions in lieu thereof; and it is also by the said first-recited Act enacted, that no Deeds of Lease, Release, Bargain and Sale, Feoffment, Assignment, Articles of Agreement, Contract, or other Deeds, to be used in the Purchase, Conveyance, or Assurance of any Lands, Tenements, or Hereditaments to the said Trustees, in pursuance of the said Act, or in executing any of the Powers authorized thereby, or any Mortgage or Mortgages to be made, or any Assignment thereof, or any Proceedings of the said Trustees, or of any Justice or Justices of the Peace in the Execution of the said Act, shall be charged or chargeable with any Stamp Duty whatsoever; and it is expedient to repeal the said Provision: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice

and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Provisions shall be and the same are hereby repealed; but all Acts, Deeds, and Instruments done and made under the Authority of the said Provisions hereby repealed, up to the Time of passing this Act, shall be and continue in full Force and Effect.

Certain Parts
of recited
Acts re-
pealed.

II. And be it further enacted, That the Powers and Authorities by the said recited Acts and this Act given to, and all the Provisions, Matters, and Things by the said recited Acts and this Act, or any or either of them, directed and authorized to be done by the Trustees for executing the same Acts or any of them, except as to the Provisions of the said recited Acts hereby repealed, shall and may be executed and done by and before any Seven or more of the Trustees for the Time being, appointed or to be appointed by or under any Power contained in the said recited Acts or this Act, or either of them, who shall be assembled at any Meeting to be held in pursuance of this Act, and shall be of as full Force and Effect as if executed or done by or before all the Trustees; and all Acts, Orders, Proceedings, and Determinations of the Trustees for the Time being, acting in the Execution of the said recited Acts or either of them, or this Act, which shall be made at any such Meeting consisting of Seven or more Trustees as aforesaid, wherein the major Part of the Trustees present at such Meeting shall concur, shall be sufficient, and shall be as valid and effectual, in all respects, for all or any of the Purposes of the said recited Acts and this Act, or any or either of them, as if all the Trustees were present at such Meeting, and had concurred therein; and at all such Meetings One of the Trustees then present shall be appointed Chairman by the Majority of the Trustees then present; and in all Cases where there shall be an Equality of Votes upon any Question (including the Vote of the Chairman) such Chairman shall have the decisive or casting Vote; and all Acts, Orders, and Determinations of the Trustees shall be made at Meetings to be held in pursuance of this Act and not otherwise.

Seven Trus-
tees to be a
Quorum.

To appoint a
Chairman of
Meetings.
Chairman to
have the
casting Vote.
All Acts to
be done at
Meetings.

III. And be it further enacted, That it shall be lawful for the said Trustees, at any General Meeting to be holden as herein directed, from Time to Time, to remove and displace the present Treasurer and Clerk of the said Trustees, or either of them, or any other Person who shall be elected and appointed to their respective Offices; and shall also from Time to Time elect, choose, and appoint, in manner aforesaid, any other Person to act as Treasurer or Clerk of the said Trustees, in the Room of such of the said Officers as shall happen to die or resign, or be removed from their respective Offices; and it shall be lawful for the said Trustees to allow such Salaries or other Emoluments to the said Officers, or any of them, as at any such Meeting shall from Time to Time be fixed upon and determined: Provided always, that the said Trustees shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer for the said Trustees, for the faithful Execution of his Office, before he shall enter thereupon.

Clerk and
Treasurer
may be re-
moved, and
others ap-
pointed.

IV. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who

Not to ap-
point same
Person Clerk
who

and Treas-
urer, &c.

who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts and this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk or of his Partner, to be Treasurer for the Purposes of the said recited Acts or this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer or of his Partner, to be Clerk to the said Trustees; and if any Person shall hereafter hold or accept both the Offices of Clerk and Treasurer, for the Purposes of the said recited Acts and this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk or of his Partner, shall hereafter hold or accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer or of his Partner, shall hereafter hold or accept the Office of Clerk, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every Person so offending shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Treasurer
not to issue
any Sum
without
Order of
Trustees.

V. And be it further enacted, That the Treasurer appointed or to be appointed by the said Trustees shall not issue any Sum on their Account without an Order made at a Meeting of the said Trustees, or without an Order in Writing signed by the Chairman of the Trustees for the Time being, and Two others at least of the said Trustees present at the Meeting of the said Trustees ordering or directing such Issue of Money to be made; and the Receipt of such Treasurer for all Monies payable to the said Trustees shall be effectual Discharges for the same.

Trustees to
meet the
first Friday
in every
Month.

Annual Ge-
neral Meet-
ing first
Friday in
January.

VI. And be it further enacted, That the said Trustees for the Time being shall meet on the first *Friday* in every Month, (except *Friday* next before *Easter*, commonly called *Good Friday*, in every Year,) at the Market House in *Taunton* aforesaid, at Eleven o'Clock in the Forenoon; and that an Annual Meeting of the said Trustees shall also be held at the said Market House in *Taunton* aforesaid on the first *Friday* in *January* yearly, at Eleven o'Clock in the Forenoon, which shall be called "The Annual General Meeting of the Trustees," and at which any Seven or more of the Trustees then present shall have Power to adjourn to a future Day in the same Year; and at every such Annual General Meeting, or at some Adjournment thereof, the Accounts of all Monies received and paid in pursuance of the Powers and Provisions of this Act or the said recited Acts, by or for or on the Account of the said Trustees for the
Time

Time being, and which shall not then have been fully examined and settled, shall be produced, stated, examined, audited, and settled, and a Report be made by the Clerk to the said Trustees of the State of the Market under their Care and Superintendence; and it shall be lawful for the said Trustees for the Time being, at such General Annual Meeting, to appoint any Trustee or Trustees in the Room of such as may then have died, or as shall have refused or neglected to act for the Space of Two Years preceding such Annual Meeting.

VII. And be it further enacted, That in all Cases where Notice is by this Act and the said recited Acts, or either of them, directed to be given of any Meeting of the said Trustees, every such Notice shall be in Writing, signed by Five or more of the said Trustees for the Time being, or by their Clerk, expressing the Time and Place of every such intended Meeting, and shall be affixed upon some conspicuous Place of the Market House in *Taunton* aforesaid, at least Eight Days before every such Meeting, exclusive of the Day of Meeting and of the Day on which such Notice shall be affixed.

Notices of Meetings to be given.

VIII. And be it further enacted, That it shall be lawful for the said Trustees for the Time being, at all or any of their Meetings to be held in pursuance of this Act, to make, and they are hereby empowered from Time to Time to make, such Orders, Rules, and Regulations as they, or the Majority of them assembled at any such Meeting or Meetings, shall think proper, for effectually carrying this Act and the said recited Acts, or either of them, into execution; but no such Orders, Rules, or Regulations which shall be made at any such Meeting shall be valid unless the Majority of the Trustees present at such Meeting shall concur therein; nor shall any such Orders, Rules, and Regulations be revoked or altered at any subsequent Meeting, unless Notice of the Intention or Proposal to make such Revocation or Alteration shall have been given by Seven or more Trustees, by Writing under their Hands, to the Clerk to the said Trustees at a previous Meeting, and entered in the Book of Proceedings of such Meeting; nor unless Notice of the Meeting at which any such Revocation or Alteration is intended to be made and the Object of the Meeting shall have been advertised in the *Taunton Courier* Newspaper, or in some other Newspaper circulated in the Neighbourhood of *Taunton* aforesaid, and affixed upon some conspicuous Place of the said Market House, at least Eight Days before such Meeting, nor unless such proposed Revocation or Alteration shall eventually be agreed to be made by a greater Number of Trustees present at such subsequent Meeting than concurred in the making of any such Order or Determination; and all Acts, Orders, Resolutions, and Proceedings of the said Trustees for the Time being at every Meeting shall from Time to Time be fairly written or entered by the Clerk for the Time being to the said Trustees in a proper Book or Books to be kept for that Purpose, with the Names of the Trustees who shall be present at each respective Meeting, and shall be subscribed by the Chairman thereof; and in case of a Division upon any Question, the Number constituting the Majority shall be stated and entered in such Book, and be signed by the Chairman of such Meeting; and all such Entries therein, being so signed and subscribed, shall be deemed and taken

How Orders of Trustees are to be made,

and how revoked.

Orders to be entered in a Book and signed by the Chairman;

and may be
admitted as
Evidence.

to be Originals, and the same, or true Copies thereof, shall be admitted to be read in Evidence in all Courts and Places whatsoever, in all Causes, Suits, and Actions touching any thing to be done in pursuance of and under the Authority of this Act or the said recited Acts; and the said Book or Books shall be open to the Inspection of the said Trustees, or any of them, at all seasonable Times, without Fee or Reward.

Disqualifi-
cation of
Trustees.

IX. And be it further enacted, That if any Trustee or Trustees appointed or chosen, or to be appointed or chosen, for carrying the said recited Acts and this Act, or either of them, into execution, shall neglect to attend and act as such Trustee at some Public Meeting of the said Trustees for the Space of Two Years successively, every such Trustee so neglecting shall be *ipso facto* disqualified to act as a Trustee until he shall be subsequently duly re-elected as Trustee.

Footways,
&c. to be
swept.

X. And be it further enacted, That the Occupier of every House, Tenement, Warehouse, Shop, Shed, Coach-house, Stable, Chapel, Meeting House, Wall, or other public or private Building, Gardens, and other Premises adjoining any public Street, Lane, Avenue, or Passage within the said Town of *Taunton*, shall, once in every Day, between the Hours of Seven and Nine of the Clock in the Forenoon, or at such other Times as the said Trustees for the Time being, or any Seven of them, shall require, scrape, sweep, and wash, or otherwise effectually cleanse, the Pavements or Footways all along the Front of their respective Houses and other Premises; and in default thereof, for every such Offence, shall forfeit and pay a Sum not exceeding Twenty Shillings.

Streets may
be watered.

Trustees to
purchase or
rent any
Water or
Stream, and
to lay Pipes
and erect
Buildings.

XI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to cause all or any of the Streets, Lanes, Ways, Roads, and other public Passages and Places within the said Town to be watered, at such Seasons and Times and in such Manner as the said Trustees shall from Time to Time direct, and for that Purpose to purchase or rent any Water or Stream of such Person or Persons as may be willing to sell or dispose of the same, and to lay Pipes, and to erect and keep in repair any Machinery, Engines, Buildings, and Works for the Accomplishment of the same, and to employ and pay according to their Discretion any Person or Persons whomsoever to superintend or manage the same, or otherwise to act in and about the Premises.

For pre-
venting An-
noyances
and Nui-
sances.

XII. And be it further enacted, That if any Person or Persons shall drive or place any Carriage, or ride, lead, drive, or place any Horse or Beast, or shall drive any Wheelbarrow, or shall run any Wheel, or draw any Sledge upon the Foot Pavement within the said Town, or shall throw or lay, or permit or suffer to be thrown or laid, any Ashes, Dirt, Dust, Soil, Straw, Dung, or Filth, or Annoyance whatsoever, either upon the Carriage or Foot Pavements of any of the present or future Streets, Lanes, or public Passages of the said Town, or shall set out or leave, or cause or procure to be set out or left, any Carriage, Timber, Stone, Cask, or other Matter or Thing which may occasion any Annoyance, Nuisance, or Obstruction what-
soever

soever in any of such present or future Streets, Lanes, or other public Passages, so as to stop, obstruct, incommode, or endanger any Person or Carriage passing therein, or shall permit or suffer his or her Swine to go at large in any of the present or future Streets, Lanes, or public Places within the said Town, or shall take or carry away the Dirt, Filth, and Rubbish which shall be in any of such Streets, Lanes, or public Passages, unless for that Purpose appointed by the said Trustees; or if any Person or Persons shall, in any of the present or future Streets, Lanes, or other public Passages within the said Town, bring or show any Stallion or Stone Horse, except in such Places as the said Trustees for the Time being shall for that Purpose by Order or Writing appoint, or shall shoe, bleed, or farry any Horse or Beast (except in Cases of Accident), or suffer to be at large any Horse or Beast, or any Bull Dog, Mastiff, or other ferocious Dog of any other Species, not being closely muzzled, or permit or suffer any Dog whatsoever to go at large after any public Notice given by the Town Crier or Bellman by Order of any Justice or Justices of the Peace for the said County, during such Time as such Notice shall direct Dogs to be confined; or if any Person or Persons, being or acting as the Driver of any Waggon, Dray, Cart, or other such like Carriage, shall ride on the Shafts or on any other Part thereof, or on any of the Horses or Cattle drawing the same, without holding the Reins, or drive the same faster than a Walk, or be at such a Distance from the same as not to possess the complete Direction over the Horse or Horses or Cattle drawing the same, or shall wantonly let off or fire any Musket, Gun, Pistol, or other Fire Arms, or make or assist in making any Bonfire, or set fire to, let off, or throw any Crackers, Squibs, Rockets, or other Fireworks, or shall in any other Manner commit or do any Act to the Annoyance of the Inhabitants of the said Town, or to the Obstruction, Interruption, or personal Danger of any of His Majesty's Subjects, or the free Passage in, upon, or through any of the said Streets, Lanes, Ways, Roads, or other public Passages or Places within the said Town, or shall do or commit any public Nuisance or Annoyance whatsoever within the said Town, or shall stick up or cause to be stuck up any Advertisements, Handbills, or Notices, against any Part of the said Market House, without the Consent in Writing of Seven at least of the said Trustees, or shall paint, chalk, or write upon or affix any written or printed Paper to or otherwise mark or deface any of the Walls or other Parts of the said Market House, each and every Person so offending in any or either of such Cases within the said Town, or the Owner of any such Horse, Beast, Cattle, Carriage, Goods, Matter, or Thing as aforesaid, as the Case may be, in any of such Cases where the Person actually offending cannot be found or discovered, and apprehended, or the Person or Persons causing any such Offences, Matters, or Things to be committed or done, shall for each and every such Offence respectively forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for any Officer appointed by virtue of this Act, or for any Constable or Peace Officer of the said Town, to take away and remove any of the before-mentioned Obstructions, in case the Party occasioning the same shall not remove the same within a reasonable Time after being required so to do by any Person or Persons whomsoever; and it shall be lawful for any Constable,

Constable, or any One of the said Trustees, or any Officer or other Person acting by or under their Authority, by virtue of this Act, and without any Warrant whatsoever, to seize and apprehend any such Offender or Offenders as aforesaid, and forthwith to convey him, her, or them before some Justice or Justices of the Peace for the said County, in order to his, her, or their being dealt with according to the Directions of this Act.

Slaughter
Houses,
Hogstys,
and other
Erections, to
be removed,
if deemed a
Nuisance.

XIII. And be it further enacted, That in case any Slaughter House, Hogsty, Necessary House, Manure Heap, or other noisome or offensive Building, Place, Matter, or Thing whatsoever, in or near any of the said Streets, Lanes, Ways, Roads, or other public Passages or Places within the said Town, shall, in the Judgment of the said Trustees, or any Seven of them, be a Nuisance to any of the Inhabitants thereof, it shall be lawful for the said Trustees, or any Seven of them, upon Complaint thereof to them made by any such Inhabitant, and after due Investigation of such Complaint, by Notice in Writing, to order that every or any such Slaughter House, Hogsty, Necessary House, or other Nuisance or Offence, be remedied or removed; and in case the same shall not be remedied or removed within Five Days next after such Notice shall be given to the Owner or Owners, Occupier or Occupiers, of the Premises wherein such Nuisance or Annoyance shall be situate or arise, or to the Person or Persons on whose Behalf the same is carried on, kept, or made, or left at his or their last or usual Place or Places of Abode, or on the said Premises, then every such Owner or Occupier, or other Person so neglecting to remedy or remove such Nuisance or Annoyance pursuant to such Notice, and to the Satisfaction of the said Trustees for the Time being, or any Seven of them, shall forfeit and pay any Sum not exceeding Ten Shillings for every Day the same shall continue unremedied or unremoved after the Expiration of Five Days from the Time of giving such Notice as aforesaid; nevertheless it shall be lawful for every such Owner, Occupier, or other Person who shall be liable to pay the said Penalty or Sum of Ten Shillings *per* Day under the last-mentioned Clause to appeal therefrom to the Justices assembled at the next General or Quarter Sessions of the Peace, whose Decision shall be conclusive against all Parties; and in case due Notice of such Appeal shall be given within Five Days next after such Forfeiture shall be incurred, and good Security (by the joint Bond of the Party offending and a responsible Surety) given or tendered at the same Time for the Payment thereof, within Ten Days next after the next General or Quarter Sessions aforesaid, then the said Forfeiture or Penalty shall not be enforced till the Time mentioned for Payment thereof in the said Security.

Penalty for
allowing Gas
Water, &c.
to flow into
River, &c.

XIV. And be it further enacted, That if the said Trustees, or any other Person or Persons making, furnishing, or supplying any Gas to be used, burnt, or consumed within the said Town, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever, which may arise or be produced in the making of such Gas, into any
River,

River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, Spring Head, or Well, or into any Canal, Dock, Basin, Cut, or navigable Stream, or in any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Spring Head, Well, Canal, Dock, Basin, Cut, or navigable Stream, Drain, Sewer, or Ditch, whereby the Water or any Part thereof shall or may be fouled or corrupted, then and in every such Case the said Trustees, or such Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Complaint, Suit, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Imparlance, shall be allowed; and the whole of such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months next after the Time in which such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been sued for or recovered or not), in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Spring Head or Well, or any Canal, Dock, Basin, Cut, or navigable Stream, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever to the said Trustees, or to such Person or Persons as aforesaid, and the said Trustees, or such Person or Persons as aforesaid, shall not, within Twenty-four Hours after such Notice shall have been given, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things from being emptied, drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Trustees, or such Person or Persons as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice or Justices before whom the Conviction shall take

[*Local.*]

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place,

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

Penalty for
suffering Gas
to escape.

XV. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Trustees, or by any Person or Persons making, furnishing, or supplying any Gas to be used, burnt, or consumed within the said Town, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, the said Trustees, or Person or Persons as aforesaid, shall at their own Expence, immediately after Notice shall be given to them or him, by Parol or in Writing, of any such Escape of Gas, by any Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Trustees, or other Person or Persons aforesaid, shall not, within Twenty-four Hours next after such Notice being given, effectually stop and prevent the Gas from escaping, and wholly and effectually remove the Cause of Complaint, then and in every such Case the said Trustees, or other the Person or Persons aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid; which Penalty shall from Time to Time be recoverable, in a summary Way, on the Oath of One or more credible Witness or Witnesses, by Information to be laid and exhibited before One or more Justice or Justices of the Peace for the said County of *Somerset*, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Commissioners, or such Company of Proprietors, or Person or Persons aforesaid, by the Warrant of any Justice or Justices of the Peace as aforesaid, in manner herein-after directed.

Penalty for
contaminat-
ing Water.

XVI. And be it further enacted, That whenever the Water of any Owners or Proprietors of any Waterworks within the Town, or the Water in any Well, Reservoir, or Pond belonging to or used by any Person or Persons whomsoever, shall be contaminated or affected by the Gas of the said Trustees, or other Person or Persons aforesaid, the said Trustees, or other Person or Persons aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds; and the same shall be applied to and for the Use and Benefit of the Owner or Owners of such Water, Well, or Pond, or the Party using any such Water, and suing for the same; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Trustees, or other Person or Persons so continuing to light as aforesaid, shall, within Twenty-four Hours after Notice thereof, in Writing signed by any Person whomsoever interested in or using such Water, to be left at the usual Office or Place of transacting the Business of the said Trustees, or other Person or Persons aforesaid, cause the most proper and speedy Methods to be taken effectually to stop and prevent Gas from escaping from their Mains, Works, or Pipes, and contaminating or affecting such Water; and in case the said Trustees, or Person or Persons aforesaid, shall not, within Twenty-four Hours next after each and every such

Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Trustees, or such Person or Persons as aforesaid, shall forfeit and pay to the Party or Parties so interested, or using such Water, and complaining as aforesaid, for the Use and Benefit of such Party or Parties (over and above the before-mentioned Penalty of Twenty Pounds), a further Sum not exceeding Ten Pounds for each and every Day during which any such Water shall be and remain contaminated, tainted, or affected by any such Gas as aforesaid.

XVII. And whereas it may become a Question upon such Complaint as aforesaid whether the said Water be contaminated or affected by the said Gas; be it therefore enacted, That in every such Case it shall be lawful for the Owners or Proprietors of any such Water, or any Person or Persons interested in such Well, Reservoir, or Pond, to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Trustees, or other Person or Persons aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by such Gas, and if it shall appear that the said Water has been contaminated or affected by the Escape of such Gas, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement or Ground of the Street or Streets, Road or Roads, which shall be taken up or disturbed, shall be borne and paid by the said Trustees, or other Person or Persons aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by any Justice of the Peace for the County of *Somerset*, and the Amount thereof be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas, then and in such Case the Owners or Proprietors of such Water, or the Person or Persons interested in such Well, Reservoir, or Pond, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Trustees, or other Person or Persons aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Trustees, or other Person or Persons aforesaid, in and by such Search and Examination, and also to the Pavement or Ground of the said Streets or Roads so broken up or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or any other Justice of the Peace as aforesaid.

In case of Doubt whether Water is contaminated, the Owner required to search, &c.

XVIII. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend or be construed to extend to protect the Trustees, or other Person or Persons aforesaid, making, furnishing, or supplying any Gas to be used, burnt, or consumed within the said Town for lighting any Street, Highway, or other Place, or any House, Manufactory, or other Building therein, or any of the Servants or Officers or Workmen of the said Trustees, or other Person or Persons aforesaid, from any

Act not to protect Trustees from Prosecution for a Nuisance.

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

Penalty for
permitting
Droppings
from Build-
ings.

XIX. And be it further enacted, That no Person or Persons shall permit the Droppings from the Houses or Buildings to fall on the Streets or public Passages of the said Town, or the Sides thereof, but shall carry the same by suitable Shutes, Pipes, and Trunks, to the Surface or subterranean Drain; and any Person so offending shall, at the Expiration of Two Months next after Notice shall be given to him, her, or them by the Clerk to the said Trustees, to abate such Nuisance, forfeit the Sum of Ten Pounds to the said Trustees, to be by them applied in or towards the Erection or placing of such Shutes and Trunks or Pipes, or otherwise in removing the Nuisance, rendering the Overplus (if any) to the Person or Persons who shall forfeit or pay the same.

Recovery
and Applica-
tion of Pe-
nalties.

XX. And be it further enacted, That all Offences whatsoever, which by virtue or under the Authority of this Act or the said recited Acts, or either of them, are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeitures, except in Cases where it is by this Act otherwise directed, shall and may in every Case be heard, adjudged, and determined by or before any One or more Justice or Justices of the Peace for the said County of *Somerset* in a summary Way, upon Information or Complaint made, whether the same shall be in Writing or not (and which shall in every Case be made within Ten Days at furthest next after the committing of such Offences respectively and not afterwards); and upon every such Information or Complaint as aforesaid the said Justice or Justices shall summon the Party or Parties accused, and examine into the Matter thereof; and if upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses, the Party or Parties accused shall be convicted of having committed such Offence or Offences, then and in every such Case the Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, hereby made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained and determined by such Justice or Justices, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then every such Penalty and Costs shall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of such Justice or Justices (which he and they is and are hereby empowered and required to grant), be levied and recovered by Distress and Sale of the Goods and Chattels of such Offender or Offenders, rendering the Overplus of the Money arising by such Sale (if any), upon Demand, to the Party or Parties whose Goods and Chattels shall be distrained; and which said Penalties,

Penalties, unless the same are herein otherwise directed to be applied, shall be paid to the Treasurer or Treasurers for the Time being of the said Trustees, to be applied to the Purposes of this Act; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justice or Justices, either upon the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods or Chattels whereupon such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, can or could be levied were such Distress or Warrant issued, such Justice or Justices shall not be required to issue the same; but in either of the said Cases it shall be lawful for the said Justice or Justices, and he or they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol for the said County, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months, unless such Offender or Offenders shall have sooner fully paid such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and all Costs attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law.

XXI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint in a summary Way, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons, without such Information in Writing, shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Justices to hear and determine Complaint by Summons.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time, to appoint a Clerk or Inspector of the said Market, and of the Weights and Measures to be used in the said Market, and also a Town Crier or Bellman, and to remove and displace them respectively as the said Trustees for the Time being, or any Seven of them, may think proper; and such Clerk or Inspector of the said Market shall and may, and he is hereby authorized and required, from Time to Time, to seize and publicly destroy all unwholesome Flesh Meat, Fish, Vegetables, and Provisions, which shall be brought to or offered for Sale in the said Market, and all false and deficient and unlawful Weights and Measures which shall be used or found therein; and it shall be lawful for the said Trustees for the Time being, or any Seven of them, to pay and allow to every such Clerk, Inspector, Town Crier, and Bellman respectively such Salary or Wages as they shall in their Discretion think fit.

Trustees to appoint a Clerk of the Market and a Town Crier.

Clerk to seize unwholesome Meat and false Weights and Measures.

[*Local.*]

12 T

XXIII. And

Power to
borrow ad-
ditional
Sums of
Money.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees for the Time being, or any Seven or more of them, and they are hereby empowered, to borrow and take up at Interest such further Sum or Sums of Money, the same not exceeding in the Whole the Sum of Five thousand Pounds, as they shall think necessary for the Purposes of the said recited Acts and this Act, or any or either of them, and by Writing under their Hands and Seals to assign over and mortgage the Tolls, Rents, and Dues payable in respect of the said Market, under or by virtue of the said recited Acts and this Act, or either of them, or otherwise howsoever, or any Part thereof, as a Security for the Payment of such Sum or Sums of Money, with Interest for the same, to the Person or Persons who shall advance and lend such Money, his, her, and their Executors, Administrators, or Assigns.

Boundaries
of the Bo-
rough.

XXIV. And be it further enacted, That the Town of *Taunton* in the County of *Somerset* shall, for all the Purposes of this Act and the said recited Acts, or either of them, be deemed and taken to extend to and comprise all the Streets, Lanes, public Roads, Passages, Houses, Buildings, and Places within the Boundaries or Limits heretofore and lately made, appointed, set out, or ascertained by Royal or Parliamentary Authority for the Representation in Parliament of the Borough of *Taunton* aforesaid.

Powers of
former Acts
extended to
this Act.

XXV. And be it further enacted, That the said recited Acts and each of them, and all and every the Authorities, Powers, Provisions, Regulations, Clauses, Matters, and Things therein respectively contained, (except such of them as are hereby varied, altered, or repealed, or as are repugnant to or otherwise provided for by this Act,) shall be in full Force and Effect, and shall extend to, and be practised, applied, and put in execution for effecting the Purposes of this Act, as fully and effectually, to all Intents and Purposes, as if all such Authorities, Powers, Provisions, Regulations, Clauses, Matters, and Things therein contained were repeated and re-enacted in the Body of this Act with relation thereto, any thing herein contained to the contrary notwithstanding.

Expences of
this Act.

XXVI. And be it further enacted, That out of the Tolls collected by the said recited Acts, or to be collected by virtue of this Act, or out of the Money to be borrowed on the Credit of the said Tolls, the said Trustees, or any Seven or more of them, shall pay and defray the Monies, Charges, and Expences incident to and attending the passing of this Act, and the several Regulations, Matters, and Things hereby required or authorized to be done or effected, or which may arise therefrom or be incident thereto.

Public Act.

XXVII. And be it further enacted, That this Act shall be adjudged, deemed, and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other Persons whomsoever.