



ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

Cap. lxxii.

An Act for lighting, watching, cleansing, regulating, and otherwise improving the Town of *Tunbridge Wells* in the Counties of *Kent* and *Sussex*, and for regulating the Supply of Water and establishing a Market within the said Town.

[21st July 1835.]

WHEREAS the Town of *Tunbridge Wells* is situate partly within the several Parishes of *Tunbridge* and *Speldhurst* in the County of *Kent*, and partly within the Parish of *Frant* in the County of *Sussex*, and is of considerable Extent and Population: And whereas the Streets, Roads, Lanes, Ways, and other public Passages and Places within the said Town are not properly lighted, watched, or cleansed, and are subject to Obstructions, Nuisances, and Annoyances: And whereas it would tend to the Convenience and Advantage of the Inhabitants of the said Town and of Persons resorting thereto if the said Streets, Roads, Lanes, Ways, and other public Passages and Places were effectually lighted, watched, and cleansed, and freed from all Obstructions, Nuisances, and Annoyances; and if Provision were made for the Prevention of Robberies, Disorders, and Breaches of the Public Peace within the said Town, and for the Regulation of Carriages and their Drivers plying for Hire therein, and for the general Improvement thereof: And whereas it would be advantageous to the Inhabitants of the said Town if a Market were established within or near to such Town: And whereas *John Ward* of *Holwood* in the County of *Kent*,

[Local.]

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Esquire,

Esquire, claims to be seised of or entitled to in Fee Simple certain Lands within the Parish of *Tunbridge* called "The *Calverley* Estate," well calculated for the Site or Area of such Market, and upon which he is willing that a Market should be established: And whereas a regular Supply of Water for domestic and other Purposes would be of great Advantage to the Inhabitants of the said Town: And whereas the said *John Ward* is the Proprietor of certain Springs of Water arising in or issuing out of the Estate herein-before mentioned called "The *Calverley* Estate," upon which Estate Engines, Reservoirs, Aqueducts, and other Works have been constructed, and Pipes have been laid down for supplying with Water the Persons inhabiting the Houses erected on the said Estate: And whereas the Right Honourable *Henry Nevill* Earl of *Abergavenny* is the Proprietor of certain Springs of Water arising and issuing out of certain Estates situate in the said Parish of *Frant*: And whereas the said *John Ward* and the said *Henry* Earl of *Abergavenny* are willing that Water should be supplied from their said respective Springs to the Inhabitants of the said Town of *Tunbridge Wells*, upon the Terms and Conditions herein-after mentioned: And whereas the several beneficial Objects herein-before mentioned cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the 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 every Male Person of full Age who shall be seised in Fee or for Life or Lives, or who shall be Mortgagee in Possession, or in Receipt of the Rents and Profits of any Freehold Messuage, Building, Land, or Tenement, rated or rateable by virtue of this Act, of the clear yearly Value of Fifty Pounds at the least, or who shall be possessed either as Lessee or Assignee of any such Premises for a Term of Years of a clear yearly Value of not less than Fifty Pounds, over and above all Ground and other Rents to which the same may be subject, or who shall occupy as Tenant any such Premises, and shall *bonâ fide* be liable to a yearly Rent for the same of not less than Fifty Pounds, and shall be rated for the same, shall be and is hereby declared to be a Commissioner for carrying this Act into execution, on taking the Oath or Affirmation herein-after mentioned.

Commission-
ers.

Construction
of certain
Terms used
in the Act.

II. And be it further enacted, That where in this Act any Word shall be used importing the Singular Number or Masculine Gender only, the same shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and the Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments as well as Lands; and the Word "Person" and also the Word "Corporation" shall respectively be understood to include a Body or Bodies Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole, as well as an Individual or Individuals; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

III. And be it further enacted, That the Limits of this Act, and the Jurisdiction of the Commissioners acting in the Execution thereof, shall comprehend so much of the Parish of *Tunbridge* as lies within a Boundary Line to be drawn or considered as extending from a certain Bridge near *Huntly's Mill* in the Parish of *Speldhurst*, along and including the Lane or Highway there leading from such Bridge and Mill, to a certain other Lane or Highway called *Bright-ridge Lane*, and extending along and including such last-mentioned Lane to the Turnpike Road leading from *Tunbridge Wells* to *Tunbridge*; and then continuing along such Turnpike Road towards the South-west to a certain other Lane or Highway called the *Powder Mill Lane*, and extending along and including such last-mentioned Lane, until the same reaches the Estate of the said *John Ward*, and then skirting or extending round such Estate to the *Blackhurst Lane*, then extending along such last-mentioned Lane to the *Blackhurst Turnpike Gate* situate on the Turnpike Road leading from *Tunbridge Wells* to *Pembury*, and extending from such Turnpike Gate along and including a certain other Lane or Highway leading from *Blackhurst Gate* aforesaid to *Hall's Hole*, and thence extending along and including the said Highway to a certain Gate called *Wybourne's Gate*, where the said Parish of *Tunbridge* is bounded by the Parish of *Frant*; and so much of the said Parish of *Frant* as lies within a Boundary Line to be drawn or considered as extending from the said *Wybourne's Gate* along and including the Lane or Highway there leading to *Rumber's Hill* to the Turnpike Road leading from *Tunbridge Wells* to *Frant*, and thence extending a short Distance along such last-mentioned Turnpike Road to a certain other Lane or Way leading across the Forest there to *Strawberry Hill*, and extending along and including such Lane or Way to the Turnpike Road leading from *Tunbridge Wells* to *Erridge*, and thence extending in a straight Line across a certain Farm and Lands called *Ramsly Farm*, belonging to the aforesaid *Henry Earl of Abergavenny*, towards the North to a certain Point in the Road leading from *Tunbridge Wells Common* to the *High Rocks*, where a certain other Lane branches off to *Rusthall Common* by the *Tea Gardens* herein-after mentioned, and extending from such Point to a certain Stream, there dividing the Counties of *Kent* and *Sussex*, and where also the said Parish of *Frant* is bounded by the said Parish of *Speldhurst*; and so much of the said Parish of *Speldhurst* as lies within a Boundary Line to be drawn or considered as extending from the said Stream, along and including the Lane or Highway there leading to *Rusthall Common* to the Gate at the *Tea Gardens* aforesaid, and thence extending round the Western and North-western Boundary of such Common to the Road or Highway leading through *Lower Green* to *Speldhurst*, and extending along and including such last-mentioned Road or Highway to *Lower Green* aforesaid, and extending round and including the several Messuages and Cottages at *Lower Green* aforesaid, and thence continuing along and including the Road or Highway there leading to *Broomhill* down to the aforesaid Bridge near *Huntly's Mill*: Provided always, that nothing in this Act contained shall extend or be construed to extend to convert into Highway or public Thoroughfare any of the Streets, Roads, or Places within *Nevill Park*, or in any other Part of the Estates of the said *Henry*

Defining the Limits of the Town.

Earl

Earl of *Abergavenny*, situate in the said Parishes of *Speldhurst* and *Frant*, or to convert into Highway or public Thoroughfare any of the Streets, Roads, or Places within the said *Calverley* Estate, or take away, impeach, or interfere with the exclusive Occupation and Enjoyment of such Streets, Roads, and Places respectively which, immediately before the passing of this Act, belonged to the said *Henry* Earl of *Abergavenny* and his Tenants, and the said *John Ward* and his Tenants: Provided nevertheless, that it shall be lawful for the said Commissioners, and for their Servants and Agents, to enter into and upon such respective Streets, Roads, and Places, for the Purpose of lighting, watching, and cleansing the same respectively, or for other the Purposes of this Act, without being deemed Trespassers.

Commissioners not to act until they have taken Oath.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed an Oath or Affirmation in the following Form, or any Form to the following Effect, which any Two of the said Commissioners are hereby empowered to administer; (that is to say,)

Form of Oath.

‘ I *A. B.* do swear, [or, being one of the People called Quakers, do solemnly affirm,] That I am seised in Fee, or [as the Case may be] for Life or Lives, or am Mortgagee in Possession or in Receipt of the Rents and Profits of a Freehold Messuage, Building, Land, or Tenement within the Limits of an Act passed in the Fifth Year of the Reign of King *William* the Fourth, intituled [here set forth the Title of this Act], of the clear yearly Value of Fifty Pounds, or am possessed as Lessee or Assignee of such Premises for a Term of Years of a clear yearly Value of Fifty Pounds over and above all Ground and other Rents, or occupy as Tenant such Premises, and am for the same *bonâ fide* liable to a yearly Rent of not less than Fifty Pounds; and that I will truly and faithfully, impartially and honestly, according to the best of my Skill and Knowledge, execute the several Trusts, Powers, and Authorities reposed in me as a Commissioner by virtue of the said Act. So help me GOD.’
[Or being a Quaker omit the Words ‘ So help me God.’]

Disqualification of Commissioners.

Provided also, that no Person shall be capable of acting as a Commissioner in the Execution of this Act during the Time he shall hold or enjoy any Office or Place of Profit under this Act, or be concerned or interested in any Contract made under or by virtue of this Act, or be concerned or interested in any Work or Business to be done under or by virtue of this Act, or be a Licensed Victualler, or a Dealer in Ale, Beer, Cyder, Wine, or Spirituous Liquors by Retail, or in any Case wherein he shall be personally interested; and no Person shall after the Expiration of Six Calendar Months from and after the Time of holding the First Meeting of the said Commissioners by virtue hereof act as a Commissioner in the Execution of this Act until after the Expiration of Three Calendar Months from the Time of his taking the said Oath or Affirmation of Qualification as aforesaid; and no Person who, after taking the said Oath or Affirmation of Qualification, shall cease to be such Owner or Occupier as aforesaid, and shall afterwards again become Owner or Occupier

After Six Months from First Meeting no Commissioners to act until after Three Months from Time of Qualification.

pier of any Messuage, Building, Land, or Tenement rated or rateable by virtue of this Act, shall be qualified to act as a Commissioner until he shall have again taken and subscribed the said Oath or Affirmation of Qualification; and if any Person, not being qualified as required by this Act, or not having taken and subscribed the Oath or Affirmation herein-before directed to be taken and subscribed, or being disqualified by any of the Causes in this Act mentioned, shall act as a Commissioner in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same; and the Person so sued shall prove that he was duly qualified or was not disqualified (as the Case may require) at the Time of acting, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff than that such Person hath acted as a Commissioner in the Execution of this Act; and no Person during the Time he shall be a Commissioner for executing this Act shall be capable of taking or entering into any Contract under this Act, or of receiving or participating in any pecuniary Advantage for any Work or Business to be done under the same: Provided always, that all Acts and Proceedings of any Person acting as a Commissioner in the Execution of this Act, although not qualified according to the Directions of this Act, previously to a Verdict being obtained against him for so acting, shall, notwithstanding such Verdict, be as valid and effectual as if such Person had been duly qualified: Provided also, that nothing herein contained shall be construed to prevent any Justice of the Peace having Jurisdiction in the said Town from acting as such in the Execution of this Act, notwithstanding he may be a Commissioner under the same, and notwithstanding he may have previously acted as such Commissioner, in any Case or Question which may be brought or heard before him, or may be liable afterwards to be brought or heard before him as such Justice; and nothing herein contained shall prevent any Person from acting as a Commissioner by reason only of his being a Creditor on the Rates authorized to be made by this Act.

Penalty on acting if not qualified.

Acts of Commissioners good before Conviction.

Commissioners being Justices may act as such, &c.

V. And be it further enacted, That the Commissioners for executing this Act, or any Seven or more of them, shall assemble and hold their First General Meeting at the *Angel* or *Corn Market* Inn, or at some other convenient Place within the said Limits, on the First *Monday* next after the passing of this Act, or on some subsequent *Monday*, between the Hours of Ten and Twelve of the Clock in the Forenoon, and proceed to put this Act in execution; and after such First General Meeting a General Meeting of the said Commissioners shall be held on the First *Monday* in every Calendar Month, at the Place and Hour aforesaid, unless some other Place within the said Limits, or some other Hour, shall from Time to Time be appointed by the said Commissioners; and the Commissioners present at such First or at any subsequent Meeting may from Time to Time adjourn the same to the same or any other Place within the said Limits; and if at any such Meeting there shall not be Seven or more Commissioners present, within Half an Hour after the Time appointed for such Meeting, then any Two of the said Commissioners assembled at such intended Meeting may, if they shall think proper, adjourn such Meeting from Time to Time to the same

Meetings of Commissioners.

or any other Place within the said Limits; and no Act of the said Commissioners shall be valid unless done at some Meeting to be held by virtue of this Act; and all the Powers and Authorities by this Act granted to or vested in the said Commissioners shall and may from Time to Time be exercised by the major Part of them present at any Meeting to be held as aforesaid, the Number of Commissioners present at any such Meeting not being less than Seven (except for the Purpose of adjourning Meetings as herein mentioned); and at every such Meeting the first Business shall be the Election of a Chairman to preside at the same; and in all Cases where the Number of Votes upon any Question shall be equal (including the Chairman's Vote) the Chairman shall have the casting Vote; and the said Commissioners shall defray their own Expences at every such Meeting (except for the Use of the Room where such Meeting shall be held, and a Sum not exceeding Ten Shillings for Fire and such like small Expences): Provided nevertheless, that it shall be lawful for the said Commissioners and they are hereby authorized to hold any Special Meeting, so that such Meeting shall be required by Two or more of the said Commissioners, and Notice thereof in Writing, specifying the Object of such Meeting, be given to or left with the Clerk to the said Commissioners, who shall thereupon give One clear Day's Notice in Writing at the least of such Special Meeting, to be left at the House of each of the said Commissioners, specifying the Time, Place, and Object of such Meeting.

Restriction
as to revok-
ing Orders.

VI. And be it further enacted, That no Order or Proceeding made or agreed to by the said Commissioners at any Meeting of such Commissioners shall be revoked, altered, or suspended, unless at some subsequent Special Meeting to be required as aforesaid, and of which Meeting Three Days Notice shall be given in the Manner herein-before mentioned for calling Special Meetings, expressing the Occasion of such last-mentioned Meeting.

Committees
may be ap-
pointed.

VII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to nominate and appoint out of the said Commissioners One or more Committee or Committees, (each of which Committees shall consist of Seven Persons at the least), and such Committees respectively shall have full Power and Authority to do, execute, and perform all Matters and Things whatsoever which the said Commissioners shall from Time to Time intrust to the Management of such Committees; and such Committees respectively shall have Power to meet from Time to Time, and to adjourn from Place to Place within the said Limits, as they shall think proper, and as Occasion shall require for effecting the Purposes aforesaid; and all Powers and Authorities hereby vested in or which shall by the said Commissioners be confided to any such Committee, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at the respective Meetings of such Committee; and at all Meetings of the said Committee one of the Members present shall be appointed Chairman; and all Questions shall be determined by a Majority of the Members present, and the Chairman shall be entitled to vote on all Occasions, and in case of an equal Division of Votes shall have an additional or casting Vote; and such Committee shall from Time to Time make
Reports

Reports of their Proceedings to the said Commissioners, and shall be altered, removed, or discontinued when and as the said Commissioners shall from Time to Time order or direct: Provided always, that the Acts of such Committee or Committees shall not be valid unless ratified and confirmed by the said Commissioners at some or one of their Meetings to be held under this Act.

VIII. And be it further enacted, That the said Commissioners shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all Orders and Proceedings of the said Commissioners relative to the Execution of this Act, together with the Names of the Commissioners who shall attend every Meeting; and the Chairman of the Meeting at which such Orders or Proceedings shall be from Time to Time had or made, and the Clerk for the Time being to the said Commissioners, shall sign the same at such Meeting or at the next Meeting of the said Commissioners; and such Book or Books shall be open at all seasonable Times to the Inspection of the said Commissioners, or any Creditor or Creditors on the Rates to be levied, collected, received, or taken in pursuance of this Act, without Fee or Reward; and such Orders and Proceedings so entered, and signed by the Chairman of such Meetings and by such Clerk as aforesaid, shall be deemed and taken to be original Orders and Proceedings; and which said Book or Books, as well as the Book or Books in which the Oath or Affirmation directed to be taken or made by the said Commissioners shall be entered, and also the Book or Books to be kept for registering Grants of Annuities, Mortgages, and Assignments, and all Entries in such Books respectively, shall and may be read in Evidence in all Courts and Places whatsoever, in all Cases of Appeal, and in all Prosecutions, Examinations, Suits, and Actions whatsoever, before all Judges, Justices, and others.

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

IX. And be it further enacted, That the said Commissioners shall and they are hereby required, from Time to Time and at all Times, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, and on what Account, and from whom the same shall have been received, and of all Sums of Money paid, laid out, and expended for the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, and every Creditor on the Rates and Assessments by this Act authorized to be made, and of every Person paying any such Rate or Assessment, without Fee or Reward; and the said Commissioners, Creditors, and other Persons aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk or any other Person with whom the same shall be deposited, shall on any reasonable Demand refuse to permit or shall not permit the said Commissioners, Creditors, or Persons aforesaid to inspect the same, or to take Copies or Extracts

Accounts to be kept, and to be open to the Inspection of Commissioners and Creditors.

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as aforesaid, such Clerk or other Person so refusing or neglecting shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Default.

Commissioners to appoint Officers.

X. And be it further enacted, That the said Commissioners shall and they are hereby authorized from Time to Time to appoint a Treasurer, Clerk, Surveyor or Surveyors, Assessor or Assessors, and also a Collector or Collectors of the Rates and Assessments hereinafter mentioned, and such other Officers and Persons as they shall think necessary for the Execution of this Act, and to remove any such Officers and other Persons as they may think proper, and appoint others in their stead, and pay such Salaries and make such Allowances to all such Officers and Persons out of the Monies to be received by virtue of this Act as they the said Commissioners shall think reasonable.

Security to be given by Treasurer and Collectors.

XI. And be it further enacted, That the said Commissioners shall take sufficient Security from their Treasurer for the faithful Execution of his Office, and also from such of the Collectors of the Rates and Assessments to be made by them as they shall think necessary for answering and paying all Sums of Money which shall be by him or them respectively received, in such Manner as the said Commissioners shall from Time to Time direct and appoint, and also for rendering true Accounts in Writing from Time to Time, when and so often as he or they respectively shall be ordered and required by the said Commissioners so to do, of all Monies by him or them respectively received or collected for the Purposes of this Act, and when, of whom, and for what; and may also take such Security from every other Officer and Person by them employed for the due Execution of their respective Offices or Duties as they the said Commissioners shall think proper.

Same Person not to be Clerk and Treasurer.

XII. And be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as their Clerk in the Execution of 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 the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who 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 the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of 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 the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such 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 the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the

the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Commissioners other than that of Treasurer, every such 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, 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.

XIII. And be it further enacted, That every Clerk, Treasurer, Surveyor, Collector, and other Officer and Person appointed by virtue of this Act shall, under his Hand, and at such Times and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or such Persons as they shall appoint to receive the same, true and perfect Accounts in Writing of all Matters and Things committed to his Charge by virtue of this Act, and also of all Monies which shall have been by such Officer or Person received by virtue or for the Purposes of this Act, specifying how much thereof shall have been expended and disbursed, and for what Purposes, together with proper Vouchers for such Payments, and also a List of the Names of all such Persons as shall have neglected or refused to pay their Rates and Assessments, and of the Monies due from them respectively; and every such Officer or Person shall pay all such Monies as shall remain due from him to the Treasurer for the Time being, or to such Person as the said Commissioners shall appoint to receive the same; and if any such Officer or Person shall for the Space of Fourteen Days next after Notice or Requisition in Writing from any Seven or more of the said Commissioners refuse or wilfully neglect to make and render such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Commissioners, or to such Person as they shall appoint to receive the same, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Satisfaction to the said Commissioners or such other Person as aforesaid respecting the same; then and in every such Case, upon Complaint made by the said Commissioners, or by such Person as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid to any Justice of the Peace having Jurisdiction in the said Town, or for the County, City, or Place wherein such Officer or Person so refusing or neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Summons or Warrant, at his Discretion, under his Hand and Seal, for the Officer or Person so refusing or neglecting to appear before such Justice; and upon such Officer or Person appearing, or having been so summoned and not appearing, without some sufficient or reasonable Excuse, or not being to be found, it shall be lawful for the said Justice to hear and determine the Matter in a summary Way; and if upon Confession of the Party, or Testimony of any credible Witness upon Oath, it shall appear to such Justice that any Monies remain due from such Officer or Person, such Justice may and he is hereby required upon Non-payment thereof by Warrant under his Hand and Seal to cause such

Officers to
account.

[Local.]

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Money

Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods and Chattels of such Officer or Person shall be found sufficient to answer and satisfy the said Money and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer or Person has refused or wilfully neglected to render and give such Accounts or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act remain in the Hands or in the Custody or Power of such Officer or Person, and that he hath refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in every such Case such Justice shall and he is hereby required to commit such Offender to any Common Gaol or House of Correction, there to remain without Bail or Mainprize until he shall have given a true and perfect Account as aforesaid, or until he shall have paid such Monies as aforesaid, or compounded with the said Commissioners for such Money, and shall have paid such Composition in such Manner as they may appoint (which Composition the said Commissioners are hereby empowered to make and receive), and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction respecting the same to the said Commissioners or to such other Person as aforesaid; but no such Offender shall be kept or detained in Prison for Want only of sufficient Distress by virtue of this Act for any longer Term than Six Calendar Months: Provided also, that if any Money shall be due from such Officer or Person his Commitment to Prison as aforesaid shall not (without the Consent of the said Commissioners) be deemed a Discharge for the same, nor exonerate the Surety or Sureties for such Officer or Person, but such Officer or Person and his Surety and Sureties shall remain liable to the Payment thereof in the same Manner as if such Officer or Person had not been committed to Prison.

Officers not
to take Fees
or Rewards.

XIV. And be it further enacted, That if any Person who shall be employed as Treasurer, Clerk, Collector, or Surveyor, or any other Officer or Servant employed by the said Commissioners for the Purposes of this Act, shall exact, take, or accept any Fee or Reward whatsoever other than such Salaries, Fees, and Rewards as are appointed by this Act, or shall be appointed, allowed, or approved of by the said Commissioners, for or on account of any thing done or to be done by virtue of this Act, or for forbearing to do any thing ordered or directed by the said Commissioners, or on any Account whatsoever relative to his Employment or Duty, or shall in anywise be concerned or interested in any Bargain or Contract made or to be made by the said Commissioners, such Person shall be incapable afterwards of serving or being employed under this Act, and shall forfeit and pay any Sum not exceeding Ten Pounds for each Offence.

Commis-
sioners
to sue and
be sued in
the Name of
their Clerk.

XV. And be it further enacted, That the said Commissioners may sue and be sued for or concerning any thing which shall be done by virtue or in pursuance of this Act, or for or concerning any Matter or Thing relating or incidental to the obtaining and passing of this Act, in the Name of their Clerk for the Time being, or in the Name of any One of the said Commissioners; and no Action or Suit
to

to be so brought or commenced by or against the said Clerk or Commissioner shall abate or be discontinued by his Death, Removal, or Default, but shall be continued and carried on in his Name, and such Clerk or Commissioner shall be deemed Plaintiff or Defendant in such Action or Suit (as the Case may require): Provided always, that any such Clerk or Commissioner in whose Name any Action or Suit shall be commenced, prosecuted, or defended, in pursuance of this Act, shall not by reason of his being such Clerk or Commissioner be rendered incompetent or inadmissible as a Witness in any such Action or Suit as aforesaid, unless such Clerk or Commissioner shall be personally or individually interested or concerned therein.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered from Time to Time to contract and agree with any Person or Corporation for lighting all or any of the Streets, Roads, Lanes, Ways, and other public Passages and Places within the said Limits, with Oil or Gas or Inflammable Air, and for cleansing, draining, sweeping, and watering the said Streets, Roads, Lanes, Ways, and other public Passages and Places, or any of them, and for performing all or any of the Works by this Act authorized to be executed, and all Contracts so to be entered into shall be reduced into Writing and signed by the Chairman of the Meeting of the said Commissioners at which such Contract shall be entered into, or by any Five or more of the said Commissioners, or by their Clerk under the Order of a Meeting of the said Commissioners, and sealed or signed, as the Case shall require, by the Parties contracting to perform such Works, and shall specify the several Works to be done and the Prices to be paid for the same, and the Times when such Works shall be done and completed, and the Penalties to be suffered in case of Non-performance thereof; and all such Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Commissioners: Provided always, that no such Contract shall be made for a longer Term than Three Years from the making thereof (except any Contract for the supplying and lighting of the said Town with Gas); provided also, that Fourteen Days Notice at least shall be given previous to the Meeting for entering into such Contract by Writing to be affixed on the outer Door of the principal Entrance of the new Church in the said Town, and in such other Manner as the said Commissioners shall direct, in which Notice shall be specified the Works and Business to be contracted for at such Meeting, to the end that Persons may tender Proposals for such Contracts at a certain Time and Place in such Notice to be mentioned; and the said Commissioners shall and they are hereby required to take Security from every Contractor for the due Performance of his Contract; and the said Commissioners shall cause the Works to be done in pursuance of such Contracts to be inspected by such Persons as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed, according to the true Intent and Meaning of such Contract, or shall not be finished and completed at or within the Time to be by such Contract limited for completing the same, the said Commissioners shall and may bring any Action at Law or Suit in Equity against any Party so contracting

Commissioners may make Contracts.

Commissioners may compound for Breach of Contracts.

contracting and neglecting to perform such Contract, or for any Injury suffered or sustained on account of the Non-performance thereof; and upon proving the signing of the Contract and Non-performance thereof the said Commissioners shall be entitled to and shall recover such Penalty or Damage as may be awarded, with full Costs of Suit: Provided always, that it shall be lawful for the said Commissioners to compound and agree with any Person or Corporation who shall have entered into any Contract with the said Commissioners in pursuance or under the Authority of this Act, or against whom the said Commissioners shall bring any Action or Suit, for any Penalty contained in any such Contract, or in any Bond or other Security for the Performance thereof, or for or on account of any Breach or Non-performance of any such Contract, Bond, or Security, for such Sums of Money or other Recompence as the said Commissioners shall think proper, so as the Sums compounded and agreed for be not less than the Injury sustained by the Breach or Non-performance of such Contract, Bond, or Security, and all such Costs, Charges, and Expences as shall have been or shall be occasioned thereby.

Commissioners not to be personally liable under Contract.

XVII. And be it further enacted, That nothing in this Act, or in any Deed, Mortgage, Contract, or Agreement by this Act authorized to be entered into or made by or on the Behalf of the said Commissioners, for any of the Purposes of or in the Execution of this Act, shall extend to charge or affect the Person of any of the said Commissioners, or the Clerk, Treasurer, or other Officer authorized by the said Commissioners in their Behalf, executing any such Deed, Mortgage, Contract, or Agreement, or the Heirs, Executors, or Administrators of any such Commissioner, Clerk, Treasurer, or Officer, or their or any of their own proper Lands, Tenements, or Hereditaments, Goods, Chattels, Effects, or Property, with or for the Performance of all or any of the Covenants, Conditions, Matters, or Things in the same Deed, Mortgage, Contract, or Agreement contained or mentioned, on the Part of any such Commissioner, Clerk, Treasurer, or other Officer; but the Amount of all Damages, Costs, Charges, and Expences which shall or may be recovered in any Action or Suit at Law or in Equity, or otherwise, against any such Commissioner, Clerk, Treasurer, or other Officer, or against their or any of their Heirs, Executors, or Administrators, for or by reason of such Deed, Mortgage, Contract, or Agreement, or any Matter or Thing therein contained, and also the Damages or Charges and Expences which any such Commissioner, Clerk, Treasurer, or other Officer shall bear, pay, or be put unto, or which shall be occasioned to him for or by reason of any such Deed, Mortgage, Contract, or Agreement, or any Matter or Thing therein contained, or any Action or Suit, Award or otherwise, to be brought, prosecuted, or made by or against him thereupon, shall respectively be paid, satisfied, and discharged out of the Monies to arise by virtue of this Act, unless such Action or Suit, Matter or Thing, shall arise in consequence of his own wilful Neglect or Default, or have been brought or commenced or be defended without the Order or Direction of the said Commissioners.

XVIII. And

XVIII. And be it further enacted, That all the present and future public Drains, Ditches, Sewers, Tunnels, Gutters, Grates, and Sinks in and upon the several Streets, Roads, Lanes, Ways, and other public Passages and Places within the said Limits, and all Lands, Grounds, and Buildings purchased, erected, or held by the said Commissioners, and all Lamps, Lamp Irons, Posts, Pillars, Pipes, and other Apparatus and Machines thereto belonging, purchased or provided for the Purpose of lighting the said Limits, either by the said Commissioners or by any Person or Corporation, in pursuance of any Contract between the said Commissioners and such Person or Corporation (subject nevertheless to any Conditions or Regulations contained in any Contracts to be entered into with the said Commissioners), and all Watch-houses and Watchboxes, Fire Engines and Buckets, and all Horses, Carts, Carriages, Tools, Arms, Implements, Materials, and other Things of whatever Description, purchased or provided by the said Commissioners for the watching, cleansing, regulating, or improving the said Limits, and also all Dust, Dirt, Dung, Ashes, and Filth to be collected under the Authority of this Act, shall severally be deemed the Property of and the same respectively are hereby vested in the said Commissioners for the Time being; and the said Commissioners shall and may bring any Action or prefer any Bill of Indictment or Information, as the Case shall require, against any Person who shall steal, take away, detain, injure, or destroy any of the Property hereby vested in them as aforesaid; and in all such Actions and Bills of Indictment or Information respectively it shall be sufficient to state generally that the Article, Matter, or Thing for or in respect of which such Action shall be brought or Bill of Indictment or Information preferred is the Property of "The Commissioners for improving and regulating the Town of *Tunbridge Wells*," without stating or specifying the Names of all or any of the said Commissioners; and the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose of, for the Purposes of this Act, all or any of the said Articles, Matters, and Things, or any Part or Parts of the same respectively, in such Manner as they shall think fit.

Property of
Materials
vested in
Commission-
ers.

XIX. And be it further enacted, That during the Time that any of the Grates, Drains, Sewers, or other Works in any of the Streets, Roads, Lanes, Ways, Passages, or Places within the Limits of this Act shall be in the Course of being altered or repaired, the said Commissioners shall have Power to order the necessary Materials to be lodged in the same or in any adjoining Street, Road, Lane, Way, Passage, or Place, and also to stop up the Way through the same, or any adjacent Street, Road, Lane, Way, public Passage or Place, so long as shall be necessary; and the said Commissioners, and all Persons acting under their Direction, are hereby indemnified from any Prosecution or Action whatsoever for so doing.

Where Ma-
terials may
be lodged.

XX. And be it further enacted, That it shall be lawful for the said Commissioners, and for such Persons as shall be appointed by them, to remove all Annoyances on every Part of the Streets, Roads, Lanes, Ways, Passages, and Places within the Limits of this Act,

To prevent
Nuisances
being laid in
the Streets,
&c.

[Local.]

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occasioned

occasioned by Filth, Dung, Manure, Ashes, Rubbish, or any other Matter or Thing whatsoever, laid, thrown, or placed thereupon, in case the Owner thereof shall neglect to remove the same within Two Days after Notice in Writing, signed by any Three of the said Commissioners or their Surveyor for the Time being, given to or left at the usual Place of Abode of such Owner for that Purpose, in case he shall be known.

Commissioners empowered to light Streets.

XXI. And be it further enacted, That it shall be lawful to and for the said Commissioners to cause the several Streets, Roads, Lanes, Ways, and other Passages and Places within the Limits of this Act, or such of them as they shall from Time to Time think proper, to be well and sufficiently lighted, at such Times and in such Manner as they shall think proper, and to provide and set up Lamps and other Apparatus and Works necessary for the Purposes of such lighting, and also to affix, carry, or place any such Lamps or Works to, upon, or against any Building or Premises, and to alter or remove and repair the same, in such Manner as they shall from Time to Time think necessary: Provided nevertheless, that nothing herein contained shall authorize or empower the said Commissioners, or any other Person or Corporation, to carry or fix any Pipe or other Thing for the Conveyance of Gas for lighting any of the said Streets, Roads, Lanes, Ways, Passages, and Places, or to continue the same, against, through, or into any private Building or Premises, without the Consent and Authority of the Owner and Occupier of such Building or Premises.

Pavements to be made good when Pipes are laid.

XXII. And be it further enacted, That every Corporation or Person, in supplying Gas, or in laying or repairing any Mains, Pipes, Plugs, or other Apparatus, shall do as little Damage as may be to the Soil or Pavement of the Footpaths or Carriageways which it may be necessary to break or take up, and shall and they are hereby required, immediately after, to fill in the Trenches, and to reinstate and make good such Footpaths and Carriageways to the Satisfaction of the said Commissioners, and cause to be carried away all surplus Earth, Filth, and Rubbish occasioned thereby, at their own Costs and Charges, and during the Performance of such Works sufficiently to fence and guard and affix Lights during the Night at or near the Places where any Ground shall be opened, in such Manner as to prevent Accidents or Inconvenience to Passengers, Cattle, and Carriages: Provided always, that if there shall be any wilful Negligence or Delay in such Corporation or Person, or any of their Agents or Servants, in filling in such Ground or removing such Rubbish, or making good such Soil or Pavement, or in case the Ground so opened shall not be sufficiently guarded and lighted, it shall be lawful for the said Commissioners to fill in such Ground, and to carry away all Rubbish occasioned thereby, and during the Time that such Works are carried on to fence and guard any such Trench or Excavation, and provide necessary Lights at Night; and the Expences attending the same respectively shall be paid by the said Corporation or Person to the said Commissioners; and in default of Payment thereof for Seven Days next after Demand made in Writing, all such Expences, together with a Penalty not exceeding Five Pounds, shall and may be

be levied and recovered by Distress and Sale of the Goods and Chattels of the said Corporation or Person so supplying Gas as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of any Justice of the Peace, who upon due Proof of such Default is hereby empowered to grant the same.

XXIII. And be it further enacted, That every Branch or Service Pipe which shall be laid or placed for lighting with Gas the said Streets, Roads, Lanes, Ways, or other public Passages and Places shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Branch and Service Pipes to be kept charged with Gas.

XXIV. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall have been laid down or set up by any Person or Corporation making, furnishing, or supplying any Gas within the Limits of this Act, such Person or Corporation shall, immediately after Notice given to him or them, either verbally or in Writing, of any such Escape of Gas, by any Person whomsoever, cause the most speedy and effectual Measures to be taken to prevent such Gas from further escaping; and in case such Person or Corporation shall not within Twenty-four Hours next after such Notice given effectually prevent the Gas from further escaping, and wholly and effectually remove the Cause of Complaint, such Person or Corporation shall for every such Offence forfeit and pay the Sum of Twenty Pounds, and also the further Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Time of such Notice during which the said Gas shall be suffered to escape as aforesaid; which Penalty shall be recoverable in a summary Way, on the Oath or Affirmation of some credible Witness, by Information to be laid before some Justice of the Peace, and shall and may be levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of such Person or Corporation.

To prevent the Escape of Gas.

XXV. And be it further enacted, That all the Pipes or other Conduits to be laid or used for the Conveyance of Gas within the Limits of this Act shall be so laid at the greatest practicable Distance, and (whenever the Width of the Carriageway in such Street or Place will allow 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; except in Cases where it shall be unavoidably necessary to lay the said Gas Pipes across any such Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in which Cases also the Length of the said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet, and so that no Joint of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet; and in laying down the said Gas Pipes the Person or Corporation laying the same shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall then in such Trench properly form and complete,

Gas Pipes to be laid at a Distance from Water Pipes.

complete, with proper and sufficient Materials, the Joining with the other Pipes to be connected therewith, and shall also make and keep air-tight all such Pipes, and all Pipes to be connected therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, and in all respects prevent the said Gas from escaping therefrom or from any Part thereof, upon pain of forfeiting the Sum of Ten Pounds for every Default.

For prevent-
ing Conta-
mination of
Water.

XXVI. And be it further enacted, That whenever the Water of any Waterworks within the Limits of this Act, or the Water in any Well or Pond belonging to or used by any Person within the said Limits, shall be contaminated by the Gas of any Person or Corporation, such Person or Corporation shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and the same shall be applied to and for the Use and Benefit of the Owner of such Waterworks, Well, or Pond, or the Party using such Water and suing for the same; and in case any such Water shall be so contaminated as aforesaid, the Person or Corporation as aforesaid shall, within Twenty-four Hours next 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 Business of the said Person or Corporation, cause Measures to be taken effectually to prevent Gas from further escaping from their Works and from contaminating any such Water; and in case the said Person or Corporation shall not, within Twenty-four Hours next after such Notice so left as aforesaid, effectually prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of such Complaint, and prevent all such Contamination whereof Notice shall be given as aforesaid, such Person or Corporation shall forfeit and pay to the Party so interested in or using such Water, and complaining as aforesaid, for the Use and Benefit of such Party, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each Day during which any such Water shall remain contaminated by any such Gas as aforesaid.

For ascer-
taining if the
Water be
contamin-
ated.

XXVII. And whereas it may become a Question upon such Complaint as aforesaid whether the said Water be contaminated by the said Gas; be it therefore enacted, That in every such Case it shall and may be lawful for the Owners or Proprietors of any such Waterworks, or for any Person interested in such Well or Pond, to examine the Pipes and other Apparatus of the said Person or Corporation as 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 by the Escape of such Gas the Costs and Expences of the said Examination, and also of the Repair of the Pavement which shall have been taken up or disturbed, shall be paid by the said Person or Corporation, which Costs and Expences shall be ascertained and determined, if necessary, by any Justice of the Peace as aforesaid, and 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 the Escape of such Gas,

Gas, then the Owners or Proprietors of such Waterworks, or other Party or Person making Complaint of such Contamination, shall bear and pay all the Costs and Expences of such Examination and Repair, and shall also make good to the Person or Corporation aforesaid any Loss, Injury, or Damage which may be occasioned to the Pipes or other Apparatus of such Person or Corporation in and by such Examination, and shall also make good to the said Commissioners any Loss, Damage, or Injury which may be done to the Pavement of the said Streets and Places so broken up or disturbed in such Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice of the Peace as aforesaid.

XXVIII. And be it further enacted, That if any Person or Corporation, making, furnishing, or supplying Gas within the Limits of this Act, shall empty, or cause or suffer to be emptied or to flow, any Washings or other Waste Liquid, Substance, or Thing whatsoever which may arise or be produced in the Manufacture of such Gas, into any River, Brook, Stream, Reservoir, Aqueduct, Canal, Feeder, Pond, or Spring Head or Well, or shall commit or cause to be committed any Act to the Water contained in any of them, whereby such Water shall be soiled or corrupted, such Person or Corporation shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, with full Costs of Suit, to any Person who shall inform or sue for the same, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months after the Time in which such Act shall have ceased: Provided also, that in addition to the said Penalty or Forfeiture of Two hundred Pounds (and whether such Penalty shall or shall not be sued for or recovered), in case any of the said Washings, or other Waste Liquids, Substances, or Things, shall be emptied or caused or suffered to flow in manner aforesaid into any River, Brook, or Running Stream, or any Reservoir, Aqueduct, Waterway, Canal, Feeder, Pond, or Spring Head or Well, or any such Act shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person to the Person or Corporation aforesaid, and such Person or Corporation shall not within Twenty-four Hours after such Notice prevent such Washings, Waste Liquid, Substance, or Thing from being emptied or flowing in manner aforesaid, and every such Act as aforesaid from being committed, such Person or Corporation as aforesaid shall forfeit and pay the Sum of Twenty Pounds for each Day such Cause or Matter of Complaint shall continue; and such last-mentioned Penalty shall and may be recovered and levied in the same Manner as any other Penalty may by this Act be recovered and levied, and shall be paid to the Informer, or to the Person who in the Judgment of the Justice before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage by any such Act so done as aforesaid.

Penalty on suffering Liquids produced by Manufacture of Gas to flow into any Stream, &c.

XXIX. Provided always, and be it further enacted, That the Powers and Provisions in this Act contained shall not extend to protect any Person or Corporation making, furnishing, or supplying

[Local.]

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Act not to protect Persons, &c. lighting with Gas from

being indicted for a Nuisance.

Gas within the Limits of this Act, or any of the Servants or Officers or Workmen of any such Person or Corporation, from any Indictment or Prosecution for a public or private Nuisance in respect of any Works or Supply of Gas, or the Means which shall be employed by them in making or using such Gas, 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 such Gas, or from the Method of lighting, or from the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Penalty for wilfully injuring Lamps, &c.

XXX. And be it further enacted, That if any Person shall wilfully break, throw down, displace, or injure any Lamp, or the Irons, Posts, or other Furniture thereof or thereto belonging, erected or provided under the Powers of this Act by Order of the said Commissioners, in pursuance of any Contract or Agreement made by the said Commissioners, or by any Person at his own Expence, for the Purpose of lighting any of the said Streets, Roads, Lanes, Ways, or other public Passages or Places, or shall wilfully extinguish the Light of any such Lamp, or molest or prevent the Lighter from lighting or from extinguishing any such Lamp, or relight any such Lamp after the same shall have been extinguished by such Lighter, it shall be lawful for any Justice of the Peace, and he is hereby authorized, on Oath made of the Commission of such Offence, to issue his Warrant for the Apprehension of the Party accused; and it shall be lawful for any Person who shall see such Offence committed to apprehend and for any other Person to assist in apprehending such Offender, and by the Authority of this Act, and without any other Warrant, to deliver him into the Custody of a Constable or other Peace Officer, in order to his being conveyed before some Justice of the Peace; and every such Justice before whom such Offender shall be brought shall and he is hereby required to examine upon Oath any Witness who shall appear or be produced to give Evidence touching such Offence; and if the Party so accused shall be convicted of such Offence, either on Confession or on such Evidence as aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and shall also make a full Satisfaction to the said Commissioners or other Party injured for the Damage so done; and in case such Offender shall not on Conviction pay the said Penalty, and make such Satisfaction as aforesaid, the Justice before whom he shall be convicted is hereby empowered and required to commit him to some Common Gaol or House of Correction, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months.

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

XXXI. And be it further enacted, That if any Person shall carelessly or accidentally break, throw down, or injure any Lamp provided or erected as aforesaid, or the Irons, Posts, or other Furniture thereof, and shall not upon Demand make Satisfaction for the Damage done, it shall be lawful for any Justice of the Peace, and he is hereby required, upon Complaint thereof, to summon before him the Party complained of, and upon hearing the Allegations and Proofs on both Sides, or on the Confession or on the Non-attendance

attendance of the Party accused, to award such Sum of Money as the Damage proved shall amount to; and in case the Sum so awarded shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby required, to cause the same to be recovered in the same Manner as Penalties are by this Act directed to be recovered.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to provide such Watch-houses and Watch-boxes in such Situations as they shall judge proper within the Limits of this Act, and to appoint and employ such and so many Watchmen, Patrols, Beadles, and Street Keepers, and so many Superintendents of such Watchmen, Patrols, Beadles, and Street Keepers, as they shall judge expedient for the Security and good Order of the said Limits, and from Time to Time to remove and displace any such Watchmen, Patrols, Beadles, Street Keepers, and Superintendents, and to appoint others in their Stead, and to make such Orders and Regulations from Time to Time for the Government and Direction of the said Watchmen, Patrols, Beadles, Street Keepers, and Superintendents, and to pay them such Salaries, as the said Commissioners shall think proper.

Watch-houses and Watch-boxes to be provided, and Watchmen to be appointed.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioners to nominate and appoint One or more Constable or Constables for the said Limits for promoting the good Order thereof, and also to appoint a competent Number of Assistant Constables for the said Limits for keeping the Peace therein, and for executing all such Warrants, Precepts, and Orders as the Justices of the Peace having Jurisdiction shall from Time to Time direct to them to be executed within the said Limits, and from Time to Time to discharge and displace any such Constable or Assistant Constable, and make other Nominations and Appointments, and to pay such Salaries for the due Execution of the Duty they are required to perform, and to make such Orders and Rules for the Government and Regulation of the said Constables and Assistant Constables, as they shall think proper.

Power to appoint Constables.

XXXIV. And be it further enacted, That all Constables and Assistant Constables, and all Watchmen, Patrols, Beadles, Street Keepers, and Inspectors of Markets to be appointed under the Authority of this Act, shall be sworn in as Constables before some Justice of the Peace, and shall afterwards act as such while in the Execution of the Powers and Authorities of this Act; and they are hereby severally invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, as Constables are invested with or have or enjoy by Law, and shall be subject to the like Responsibilities, Pains, Penalties, and Forfeitures as Constables are by Law subject to.

Watchmen, &c. to be sworn as Constables.

XXXV. And be it further enacted, That the said Constables, Assistant Constables, Watchmen, Patrols, Beadles, and Street Keepers shall in their several Courses of Service use their utmost Endeavours to prevent Fires, and also to keep Watch and Ward within the said Limits, and to prevent Murders, Burglaries, Felonies, and other Outrages, Disorders, and Breaches of the Peace; and to that end the said

Duties of Constables, Watchmen, &c.

said Constables, Assistant Constables, Watchmen, Patrols, Beadles, and Street Keepers respectively shall and may and they are hereby empowered and required to arrest and apprehend all Felons, Malefactors, Vagrants, Beggars, Disturbers of the Peace, Prostitutes, Night Walkers, and all suspected and disorderly Persons found misbehaving or wandering within the Limits of this Act, and to lodge them in any Place of Security within the said Limits which shall be provided or appointed for that Purpose by the said Commissioners, to be there safely kept and detained until they can conveniently be taken before some Justice of the Peace to be examined and dealt with according to Law.

Constables
may take Re-
cognizances.

XXXVI. And be it further enacted, That it shall be lawful for the several Constables and Assistant Constables appointed in pursuance of this Act, on having an Appointment in Writing from the said Commissioners for that Purpose, to take Recognizances, without any Fee or Reward, from any Person who shall be brought before them or any of them in the Night-time upon any Charge not amounting to Felony, and who shall be willing to enter into such Recognizance, for the Appearance of such Person before any Justice of the Peace within the Space of Seven Days then next ensuing, for further Examination; and such Recognizances so to be taken as aforesaid shall be of equal Obligation on the Parties entering into the same, and shall be liable to the same Proceedings for the estreating thereof, as if the same had been taken before a Justice of the Peace; and such Constables or Assistant Constables as aforesaid shall enter in a Book to be kept for that Purpose the Names, Residences, and Occupations of the Parties, and of their Sureties, if any, entering into such Recognizance, together with the Conditions thereof and the Sums respectively acknowledged, and shall lay the same before the Justice who shall be present at the Time and Place when and where the Parties are required to appear; and if the Parties do not appear at the Time and Place required, or within One Hour after, such Justice shall cause a Record of the Recognizance to be drawn up and to be signed by such Constables or Assistant Constables as aforesaid, and shall return the same to the next General or Quarter Sessions, or the Adjournment thereof, for the County in which the Offence shall have been committed, with a Certificate at the Back thereof, signed by such Justice, that the Parties have not complied with the Obligation therein contained; and the Clerk of the Peace for such County or his Deputy shall make the like Extracts and Schedules of every such Recognizance as of Recognizances in the Sessions of the Peace; and if the Parties not appearing shall apply by any Person on their Behalf to postpone the Hearing of the Charge against them, it shall be lawful for the said Justice to enlarge the Recognizances to such further Time as he shall think proper, either by the Dismissal of the Complaint, or by binding the Parties over to answer the Matter thereof at the Sessions, or otherwise the Recognizances for the Appearance of the Parties before a Justice shall be discharged without a Fee.

Penalty on
Constables,
&c. for Neg-
lect of Duty.

XXXVII. And be it further enacted, That if any of the said Constables, Assistant Constables, Watchmen, Patrols, Beadles, or Street Keepers so appointed as aforesaid, or any of their Substitutes, shall

shall at any Time wilfully neglect or omit to observe and perform all the Orders, Rules, and Regulations made by the said Commissioners for their Conduct and Government, or shall in any Manner neglect their Duty, or misbehave, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings, and also shall be liable to be immediately dismissed from his said Employment.

XXXVIII. And be it further enacted, That in case any Constable, Assistant Constable, Watchman, Patrol, Beadle, or Street Keeper, to be appointed by virtue of this Act, shall be guilty of any Neglect or Misconduct in the Execution of his Duty, it shall be lawful for any Two Justices of the Peace, upon Complaint against any such Constable, Assistant Constable, Watchman, Patrol, Beadle, or Street Keeper, of any such Neglect or Misconduct, to commit him to the House of Correction for any Time not exceeding Three Calendar Months.

Constables, Watchmen, &c. guilty of Misconduct liable to be prosecuted and punished.

XXXIX. And be it further enacted, That it shall be lawful for the said Commissioners to give such Rewards to any Constable, Assistant Constable, Watchman, Patrol, or Beadle, to be appointed as aforesaid, who may be disabled or wounded, or who may conduct himself with any particular Merit in the Execution of his Office, as they the said Commissioners shall think reasonable, out of the Monies to be raised by them under the Authority of this Act.

Power to reward disabled Constables, Watchmen, &c.

XL. And be it further enacted, That if any Victualler or Keeper of any Public House shall knowingly harbour or entertain or suffer to remain in his Public House any such Constable, Assistant Constable, Watchman, Patrol, Beadle, or Street Keeper as aforesaid, during any Part of the Time appointed for his being on Duty, (unless such Constable, Assistant Constable, Watchman, Patrol, Beadle, or Street Keeper shall during the Time of his Stay in such Public House be there for the Purpose of quelling any Disturbance or restoring Order or Peace in such House,) such Victualler or Keeper shall on Conviction forfeit and pay for the first Offence any Sum not exceeding Twenty Shillings, and for the second and every subsequent Offence any Sum not exceeding Five Pounds.

Penalty on Publicans harbouring Constables, Watchmen, &c. during the Time they should be on Duty;

XLI. And be it further enacted, That if any Person shall obstruct or assault any Constable, Assistant Constable, Watchman, Patrol, Beadle, or Street Keeper, or other Person who shall be employed by or be acting under the Authority of the said Commissioners by virtue of this Act, in the Execution of his Duty, or shall aid or incite any Person so to obstruct or assault, every Person so offending, upon being thereof convicted before any Justice of the Peace, shall forfeit and pay any Sum not exceeding Ten Pounds, or such Justice may, at his Discretion, commit such Person, either for Trial at the Quarter Sessions, or to the House of Correction for any Time not exceeding Three Calendar Months, and to be kept to hard Labour, if such Justice shall so think fit.

and on Persons assaulting Constables, Watchmen, &c.

XLII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required from Time to Time

For cleansing Streets, &c. and ap-

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to

pointing
Scavengers.

to appoint and employ Persons to act as Scavengers, and to purchase or hire Carts or other Carriages and Horses, and all necessary Implements, for cleansing the Streets, Roads, Lanes, and other public Passages and Places within the said Limits, and to direct the Times at which particular Streets, Roads, Lanes, and other public Passages and Places within the said Limits shall be cleansed, and the Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil carried away therefrom, and the Manner in which the same shall be carried away, and the Places in which the same shall be deposited, and to make such other Orders as shall appear necessary to such Commissioners; or otherwise it shall be lawful for the said Commissioners from Time to Time to contract with Persons willing to act as such Scavengers for cleansing the said Streets, Roads, Lanes, and other public Passages and Places within the said Limits, or any of them, at such Times and in such Manner as shall appear expedient to the said Commissioners.

Scavengers
Duty.

XLIII. And be it further enacted, That the Persons employed by or contracting with the said Commissioners as Scavengers as aforesaid shall, at such Times and in such Manner as the said Commissioners shall from Time to Time appoint, cause to be swept or collected together, and also removed and carried away, all Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil found in the several Streets, Roads, Lanes, public Passages and Places within the said Limits, and shall also where practicable cause to be brought therein a Cart or other proper Carriage, and at their Approach therewith, and not before, by Sound of Bell, Voice, or otherwise, give Notice to the Inhabitants of their coming, and shall also give the like Notice in every Court, Passage, or Place into which such Cart or Carriage cannot pass; and such Persons shall immediately take the Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, and Soil (except Filth from any Privy or Necessary House) from the respective Premises in such Streets, Roads, Lanes, and public Passages and Places, and by means of the said Cart or other Carriage, immediately, or as soon as may be, remove the same to the Place or Places appointed by the Commissioners for the depositing the same, upon pain of forfeiting any Sum not exceeding Five Pounds for every Neglect therein; and the Persons so employed or contracting as aforesaid shall cause the Words "Scavengers Cart" to be painted in large Roman Letters on the Front or on some conspicuous Part of every Cart or Carriage used for the Purposes aforesaid, on pain of forfeiting a Sum not exceeding Twenty Shillings for every Neglect therein.

Penalty on
casting Rub-
bish in the
Streets.

XLIV. And be it further enacted, That if any Person shall throw, cast, or lay, or cause or permit to be thrown, cast, or laid, any Dirt, Dust, Dung, Offal, Rubbish, Ashes, or Filth whatsoever into or in any Street, Road, Lane, public Passage or Place within the said Limits (with the Exception of such Ashes as may be laid down upon any Foot Pavement in Time of Frost for the Prevention of Accidents, and with such further Exceptions as are herein-after specified), or shall throw or cast, or cause to be thrown or cast, any Dirt, Dust, Dung, Offal, Rubbish, Ashes, or Filth, or any Animal or Carcase, or any noxious or offensive Matter or Ingredient, or any other Substance whatsoever, into any Common Sewer, Sink, Drain, or Watercourse within the said

Limits, except such Night Soil or other Filth as may be conveyed into any Common Sewer from any Privy or Water Closet within the said Limits, every such Person shall for every such Offence forfeit and pay the Sum of Twenty Shillings.

XLV. Provided always, and be it further enacted, That nothing herein contained shall extend to subject any Person whomsoever to any Penalty for or on account of any Dirt or Rubbish being laid or placed in any such Street, Road, Lane, public Passage or Place as aforesaid, during the Time and in the Course of erecting, pulling down, altering, or repairing any Building, provided there be full and sufficient Space, in the Opinion of the said Commissioners, or of their Surveyor for the Time being, left in or at the Side of the Street, Road, Lane, public Passage or Place where such Dirt or Rubbish shall lie or be placed for Carriages to pass and repass, and sufficient Way be kept clear for Foot Passengers by the Person laying or causing such Dirt or Rubbish to be laid or placed as aforesaid, and that a sufficient Light be, at his own Expence, set and maintained at the Place where such Dirt or Rubbish shall be so laid or placed, from Sunset to Sunrise, to prevent Accidents to Passengers or Cattle, and that such Dirt or Rubbish be enclosed in such Manner and within such Time as the Surveyor of the said Commissioners shall direct and appoint, and that such Dirt or Rubbish be removed at the Expence of the Person so laying or causing the same to be laid, within such Time as shall be ordered and directed by the said Surveyor.

Penalty not to extend to Rubbish occasioned by building.

XLVI. And be it further enacted, That if any Person shall take away any Dirt, Dust, Dung, Offal, Rubbish, Ashes, or other Filth (other than any Ashes laid upon the Pavements in Time of Frost for the Prevention of Accidents, and any Rubbish or Dirt occasioned by building as aforesaid) out of or from any of the said Streets, Roads, Lanes, Ways, public Passages or Places, except the Person appointed by the said Commissioners, he shall forfeit and pay the Sum of Twenty Shillings for every such Offence.

No Ashes, &c. to be taken from Streets, &c. except by Scavenger.

XLVII. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent any Person from keeping any Dirt, Dust, Dung, Offal, Rubbish, Ashes, or other Filth, which shall have arisen or been made within his own Premises, or from making use of the same for Manure or otherwise, having given Notice in Writing to the said Commissioners of their Desire or Intention so to do, provided the same be not suffered to become a Nuisance or Annoyance to any of the Inhabitants of the said Limits, and that the same be not laid or placed in any Street, Road, Lane, public Passage or Place within the said Limits for any longer Time than shall be necessary for loading and carrying away the same; but in case the Person so reserving such Dirt, Dust, Dung, Offal, Rubbish, or other Filth shall keep the same for the Space of Twelve Hours after Complaint shall have been made and proved to the said Commissioners of the same being such Nuisance or Annoyance, and after Notice in Writing given to him by the Clerk or Surveyor of the said Commissioners to remove the same, or shall permit the same to remain

Inhabitants may use their own Ashes, &c.

remain in any such Street, Road, Lane, Way, public Passage or Place for any longer Time than Twelve Hours before the same shall be carried away, then and in either of the said Cases such Person shall for every such Offence forfeit and pay the Sum of Twenty Shillings for every Day during which such Nuisance or Annoyance shall be permitted to remain after the respective Times so limited as aforesaid.

Regulations
as to Night
Soil.

XLVIII. And be it further enacted, That if any Person shall empty any Privy or carry away any Night Soil, or bring or place any Carts for removing the same from any House, Building, or Place within the Limits of this Act, except between the Hours of Twelve in the Night and Four in the Morning, or if any Person shall use any Cart or Carriage for the Purpose before mentioned, without a proper Covering thereto, or shall negligently spill or cast any Night Soil out of any Cart, Tub, or otherwise, in, upon, or over any of the said Streets, Roads, Lanes, Ways, or other public Passages or Places, or into any Drains therein, or shall deposit any Night Soil on any open Space within One hundred Yards from any Dwelling House within the said Limits, or in any respect improperly, carelessly, or negligently remove the same, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Slaughter
Houses or
other offen-
sive Places
to be re-
moved if a
Nuisance.

XLIX. And be it further enacted, That in case any Slaughter House, Hog Stye, Boiling House for Offal, Melting House for Fat or Tallow, Soap House, Necessary House, or Manure Heap, Dung Hole, open Sewer, Cesspool, or other noisome or offensive Building, Place, or Matter whatsoever, in or near any of the said Streets, Roads, Lanes, Ways, Passages, or Places within the said Limits, shall be deemed a Nuisance to any of the Inhabitants or Persons residing within the said Limits, it shall be lawful for the said Commissioners, upon Complaint thereof made to them by any such Inhabitant or other Person, and after due Investigation of such Complaint, by a Notice in Writing under the Hand of any Seven of the said Commissioners, or of their Clerk, to order that every such noisome or offensive Building, Place, or Matter be remedied or removed; and in case the same be not remedied or removed within Five Days after such Notice shall have been given to the Owner or Occupier of the Premises wherein such Nuisance or Annoyance shall be situate or arise, or to the Person who ought to abate or remove the same, then every such Owner, Occupier, or other Person shall forfeit and pay any Sum not exceeding Forty Shillings for every Day the same shall continue unremedied or unremoved after the Expiration of the Time mentioned in such Notice; provided nevertheless, that where any Person thinking himself aggrieved by any such Order shall give Notice to the said Commissioners or their Clerk of his Intention to appeal against such Order, and shall enter into Recognizance within the Time and in Manner herein-after provided in respect of Appeals against any Matter or Thing to be done in pursuance of this Act, such Forfeiture or Penalty as aforesaid shall not be levied until the Expiration of Fourteen Days next after the Hearing and Determination of such Appeal and the Confirmation thereupon of such Order of the said Commissioners.

L. And

For prevent-
ing Obstruc-
tions and
Nuisances in
the Streets,
&c.

L. And be it further enacted, That if any Person shall, in any of the Streets, Roads, Lanes, Ways, and other public Passages or Places within the Limits of this Act, run, draw, drive, carry, or take any Truck, Wheel Sledge, Wheelbarrow, Bier, Handbarrow, Sedan Chair or Carriage, or other Vehicle whatsoever, or any Ladder, Scaffolding Pole, Plank, Timber, or Bar of Iron, upon, over, or along any of the Footways or Foot Pavements (except only for the Purpose of crossing the same), or drag thereon any Timber or Log of Wood, or any Stone or Metal, or roll thereon any Cask or Tub (except for the necessary loading or unloading thereof); or shall, without the Consent of the said Commissioners, fix or use any Cart, Stall, Tent, Basket, Shed, or Standing Place, for the Exhibition or Sale of any Goods, Wares, or Merchandize, or shall thereon or therein unpack any Goods, Wares, or Merchandize, or shall hang out, place, or expose to Sale or Show, or for any other Purpose, any Meat, Vegetables, Clothes, Provisions, Goods, Wares, or other Commodities, or erect any Stall or Stallboard, or place or hang out any Showglasses or Showboards, in or upon or so as to project or hang over or upon any Esplanade, Footway, or Carriageway, or beyond the Line of or on the Outside of the Window or Windows of the House, Shop, Building, or Premises at which the same shall be so hung out, placed, or exposed, or erected as aforesaid; or shall exhibit or place for Exhibition any Caravan or other Carriage containing any Animal or Animals or other public Show (except in such Place or Places as shall be appointed by the said Commissioners for that Purpose); or shall shoot or cast any Coals, Wood, or other Articles upon the said Esplanades, Footways, or Carriageways, and shall suffer the same to remain longer than is necessary for the Removal or housing the same; or shall beat, shake, or dust any Carpet, Cloth, Mat, or Rug in any Esplanade, Footway, or Carriage way after the Hour of Nine in the Morning; or shall tie or fasten any Horse or other Beast, Swine, or Cattle to any House, Outhouse, Wall, Fence, Post, Tree, or Railing whatsoever, so as that any such Horse, Beast, Swine, or Cattle can go upon or across any of the said Esplanades or Footways, or endanger or obstruct the Passage of any Person thereon; or shall erect, set up, put, or place any Blind, Shade, Coverlid, or Awning, or any other Matter or Thing, so as in any Way to cause any Obstruction or Impediment in any such Esplanade, Footway, or Carriageway; or shall wilfully ride, drive, or lead any Horse or other Beast, Swine, or Cattle whatsoever in any of the said Esplanades or Footways; or shall hoop any Cask, Pail, or Tub; or shall hew, saw, cut, or bore any Stone, Lead, Wood, or Timber, except for the Purpose of rebuilding, altering, or repairing some adjoining House or Building; or wash, clean, make, or repair any Carriage whatsoever (Cases of Accident only excepted); or shoe, bleed, dress, clean, drive, turn, or leave loose and uncontrolled any Horse or other Beast, Swine or Cattle, or cause or permit or suffer the same to be done, in any of such Esplanades, Footways, or Carriageways; or if the Driver of any Carriage whatsoever shall ride on the Shafts or in or upon any Part of such Carriage, or on any of the Horses or Cattle drawing the same, without guiding the same by Reins in his Hands, or be at such a Distance from the same or in such a Situation as not to possess the complete Direction over the same; or if any Person shall drive any Cattle, or ride or

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drive

drive any Horse or other Beast or Animal, or any Carriage whatsoever, in a violent, furious, dangerous, and improper Manner, or shall not, in riding or driving any such Horse or other Beast or Animal, or any Carriage whatsoever, keep on the Left or Near or proper and customary Side of the Road, and readily and promptly turn out of the Road on meeting any other Horse or Animal or Carriage, so as to leave proper and sufficient Quarter for the same, or otherwise wilfully or carelessly impede or prevent any other Carriage, Horse, or Persons from passing; or shall suffer any Waggon, Cart, Dray, or other Carriage to stand or remain, with or without Horses, longer than may be necessary for loading or unloading thereof, or suffer the same during the Time of such loading or unloading to be placed or remain so as to interrupt the public Passage more than necessary; or shall show or expose for Sale or for Exhibition any Stallion, or any Horse or other Beast, Swine, or Cattle (except in such Place or Places as shall be appointed by the said Commissioners for that Purpose); or shall sift, screen, wet, slack, or mix any Lime, or wet, mix, or make any Mortar, Plaster, or Cement (except with the Consent of the said Commissioners or their Surveyor); or play at Cricket, Trap-ball, Foot-ball, Fives, Toss, Pitch and Hustle, or trundle any Hoop, or fly any Kite, or play at any other Game to the Annoyance of any Inhabitant or Passenger; or shall wilfully and wantonly throw any Stone or other Missile, or make any Bonfire, or let off or fire any Crackers, Squibs, or other Fireworks or combustible Materials, or wantonly fire or let off any Gun or Pistol or other Fire-arms, within Twenty Yards of any Footway or Carriageway; or wantonly disturb the Comfort of any Inhabitants by pulling or ringing any Door Bell, or by knocking at any Door, or continue to make any wilful Noise after being requested not to do so by any Person whomsoever; or shall suffer any Mastiff, Bulldog, or other ferocious Dog to go unmuzzled, or suffer any Dog whatsoever to go at large, after any public Notice given by the said Commissioners, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of the Existence of Canine Madness; or shall wilfully set on any Dogs to fight, or abet or encourage any Dog-fight; or wilfully slide on any Footpath or Footway during Frost; or shall kill any Animal, or singe, scald, dress, or cut up any Carcass, either wholly or in part; or cause or permit any Blood, Filth, or Soil, Gas, or any other unwholesome, noxious, or offensive Matter, to flow, run, escape, or be cast or thrown from or out of any Premises, into or upon any of the said Footways, Streets, Roads, Lanes, Ways, Passages, or Places; or shall hang out or expose, or cause or suffer to be hung out or exposed, any Linen, Clothes, or other Articles or Things whatsoever to dry or air, or shall suspend or hang out or place any Showboard or Signboard, or other Matter or Thing, over or upon or in any Part of the Esplanades, Footways, or Carriageways, or over or upon or in any contiguous Place, so as to annoy or impede any Inhabitant or Person passing along any of the said Esplanades, Footways, or Carriageways; or shall affix any Posting Bill or other Paper, or Show or Notice Board, to or against any Lamp Post, Column, or Pillar, or against any Dwelling House, Wall, Paling, Fence, Tree, or Building, without the Consent of the Owner or Occupier thereof, or write upon or otherwise deface or mark the same by means of Chalk, Paint, or any other Material; or wilfully break, or aid or abet

or

or assist in breaking, any Glass or Window Panes or Windows; or use any obscene, profane, or abusive Language, or indecently expose his Person; or make, excite, or join in any Brawl or Disturbance of the public Peace; or shall leave open (after Sunset) or not sufficiently fastened any Door, Hatchway, Flap Window, Grate, Stone, Plate, Board, or other Covering giving Light or Air to any Cellar, Coalhole, Vault, Office, or other underground Room or Apartment, or of any Area, without having placed or left a sufficient Light to warn or prevent Persons from falling into such Cellars or underground Rooms, Apartments, Areas, or Coalholes; or if any Person having or occupying or using a Smith's or Farrier's Shop, with a Window or Windows, or Opening or Door, facing or opening into or towards any of the Streets, Roads, Lanes, Ways, or Places of public Passage for Horses or Carriages, shall not by good and close Shutters every Evening at and after Twilight, and every Morning until after Twilight, bar and prevent the Light shining into or upon the said Streets, Roads, Lanes, Ways, and other public Passages and Places; or if any Person shall within the Limits of this Act in any Manner wilfully impede or obstruct the free Passage of any Inhabitant or other Person upon or along or in any Footpath, Footway, or Carriageway, or the free Passage of Horse, Beast, or Carriage along any Carriageway, or commit or cause any other Nuisance or Annoyance whatever, or in any other Manner disturb the public Peace; every Person so offending in any of such Cases, or the Owner or Proprietor of any such Horse, Beast, Cattle, Carriage, Goods, Matter, or Thing aforesaid, as the Case maybe, (in any such Cases where the Person actually offending cannot be found or discovered,) or the Person causing any of such Offences to be committed, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for any of the said Commissioners, or any Officer appointed under the Authority of this Act, to take away and remove any of the before-mentioned Obstructions, Nuisances, or Annoyances, in case the Person occasioning the same shall not remove the same within a reasonable Time, upon being requested so to do by any Person whomsoever.

LI. And be it further enacted, That if any Cellar Door, Trap Door, Hatchway, or Flap Window, leading into, or giving Light or Air to, or placed over any Cellar, Area, Vault, or Office underground, within the said Limits, shall be left open in the Evening or in the Night, or shall not be effectually made and secured so as to prevent Accidents, or if any Grate, Grid, or other Covering placed over any Opening in the Flagging or Pavement, and used for putting Coals or other Articles into any Cellar or Place underground, or for any other Purpose, shall at any Hour of the Day or Night be left opened, or not well and effectually fastened down and secured, and made in such Manner so as to prevent Accidents, the Occupier of such Cellar, Area, Vault, Office, or other Place shall for every such Offence forfeit and pay the Sum of Five Pounds; and in case the Occupier of such Cellar, Area, Vault, Office, or other Place shall not after Twenty-four Hours Notice in Writing from the Surveyor or Clerk of the said Commissioners well and effectually secure, fasten down, and put in proper Repair, so as to prevent Accidents, such Cellar, Area, Vault, Office, or other Place underground as aforesaid, then and in every such Case the said Occupier shall, in addition to the said

Cellar Windows and Grates to be secured.

Penalty

Penalty of Five Pounds, forfeit and pay the Sum of Forty Shillings for each and every Day which such Cellar, Area, Vault, Office, or other Place underground as aforesaid shall so remain open and insecure, or not in repair as aforesaid.

Doors and
Gates to
open in-
wards.

LII. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, Gardens, and Lands within the said Limits are hereby respectively required, at their own Costs and Charges, within Fourteen Days next after respectively receiving Notice in Writing from the said Commissioners, signed by their Clerk or Surveyor, to cause all their Doors and Gates leading into the several Houses, Buildings, Yards, Gardens, and Land in their respective Occupations (and not being Cellar Doors or Trap Doors), which now do or shall hereafter open outwards, and when open do or shall project over or upon any of the Streets, Roads, Lanes, Highways, Passages, or public Places within the said Limits, to be altered so as that such Doors or Gates shall thenceforth open inwards and into their respective Premises; and if any such Occupier shall neglect or refuse to make the Alteration aforesaid according to such Notice, he shall forfeit and pay any Sum not exceeding Five Shillings a Day for every Day during which such Neglect or Refusal shall continue: Provided nevertheless, that where any Occupier shall cause any Door or Gate to be altered in pursuance of Notice as aforesaid, it shall be lawful for him, if a Tenant at Rack Rent, to deduct and retain out of his Rent the Charges of altering the same, and his immediate Landlord is hereby required to allow the same accordingly; and it shall be lawful for the Commissioners to allow such Occupier or Landlord all or any Part of the Expence attending such Alteration, if the said Commissioners shall consider it expedient.

Straying
Cattle to be
impounded.

LIII. And be it further enacted, That if any Horse, Mule, Ass, Bull, Sheep, Cow, or Swine or other Beast shall at any Time be found at large, without any Person therewith claiming the same, in any of the Streets, Roads, Lanes, Ways, public Passages or Places now made or hereafter to be made or built within the said Limits, it shall be lawful for any Officer to be appointed by the said Commissioners, or for any of the Inhabitants or Persons residing within such Limits, to seize and impound any such Horse, Mule, Ass, Bull, Sheep, Cow, Swine, or other Beast in any Common Pound within such Limits, or in such other Place as the said Commissioners shall appoint for that Purpose (and which they are hereby authorized and empowered to provide and maintain within the said Limits for common Use by the Inhabitants thereof), and to detain the same therein until the Owner thereof shall for each Beast so impounded pay a Sum of Money not exceeding Five Shillings to the said Commissioners towards the Purposes of this Act, and also the Sum of One Shilling to the Person impounding the same, besides the reasonable Charges and Expences of impounding and keeping; and in case the said Sums, Charges, and Expences shall not be paid within Three Days after such impounding, it shall be lawful for the Pound Keeper, or such other Person as shall be appointed by the said Commissioners, to sell or cause any such Beast to be sold (but previous to such Sale Seven Days Notice shall be given to or left at the Dwelling House or Place of Abode of the Owner of such Beast or other Animal so impounded,

impounded, of such intended Sale, if the Owner thereof shall be known, or if not, then Notice of such intended Sale shall be given by Advertisement to be inserted Seven Days before such Sale in some Newspaper published or circulated within the County in which such Pound shall be); and the Monies arising from such Sale, after deducting the said Sums and the Charges and Expences as aforesaid, and such other Charges and Expences as may attend the keeping and Sale of any such Beast so impounded, shall be paid to the said Commissioners, to be by them paid to the Person whose Property the Beast or other Animal so sold shall appear to have been, and which Money the said Treasurer for the Time being is hereby directed or required so to pay, on Demand: Provided nevertheless, that the Common Pounds for the several Manors of *Rotherfield*, *Rusthall*, and *Southborough*, and the Lordship of *Washlingstone*, may in all Cases be used for impounding all such stray Cattle or Beasts as may be found or taken within the Precincts of the said Manors respectively, being within the Limits of this Act.

LIV. And be it further enacted, That in case any Person shall release or attempt to release any Horse, Mule, Ass, Bull, Sheep, Cow, or Swine or other Beast, which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse, Mule, Ass, Bull, Sheep, Cow, or Swine or other Beast so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County within which the Offence shall be committed, either upon the Confession of the Party or Parties so offending, or upon the Oath or Affirmation of One credible Witness, and which Oath and Affirmation the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Punishment
of Persons
guilty of
Pound
Breach.

LV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Action, Indictment, or other Proceeding being preferred or taken in respect of any of the Matters or Things herein mentioned which are cognizable by the Laws of this Realm.

Not to pre-
vent Pro-
ceedings at
Common
Law.

LVI. And be it further enacted, That it shall be lawful for the said Commissioners, when and as often as they shall find it necessary, to cause to be cut or made, in, through, over, under, or adjoining to any of the said Streets, Roads, Lanes, Ways, and other public Passages or Places, any new Common Sewer, Tunnel, Gutter, Drain, Sink, Ditch, or Watercourse, for the more effectually draining and cleans-

Commission-
ers may
make and re-
pair Drains,
&c.

making good
any Injury
or Damage
caused by
making such
Drains, &c.

ing the said Limits, and also from Time to Time to cause any present or any future Common Sewer, Tunnel, Gutter, Sink, Drain, Ditch, or Watercourse, or any Part or Parts thereof respectively, to be stopped, or to be opened, cleansed, widened, straightened, deepened, or repaired, or the Form or Line thereof to be altered, in such Manner as they the said Commissioners shall think fit; and in case it shall be found necessary for completing any of the said Sewers, Tunnels, Gutters, Drains, Sinks, Ditches, or Watercourses, to carry and continue the same into and through any inclosed Lands, it shall be lawful for the said Commissioners to carry and continue the same into and through such Lands accordingly, such Lands not being occupied as Courts, Yards, Gardens, or Orchards, or as Dwelling Houses, or as Avenues or Approaches to any Dwelling House, and upon giving Fourteen Days previous Notice to the Owners or Occupiers thereof: Provided always, that if the Owners or Occupiers of any Lands into or through which any Sewer, Drain, Ditch, or Watercourse shall be made and continued as aforesaid shall be injured thereby, and such Owners or Occupiers shall refuse to treat or cannot agree with the said Commissioners as to the Recompence to be paid for such Injury, such Owners or Occupiers may apply to the next General or Quarter Sessions of the Peace for the County in which the Cause of Complaint shall arise, and the Justices of the Peace of such Sessions shall have Power to direct the Jury there attending for the Trial of Traverses to assess the Recompence which ought to be paid to such Owners or Occupiers for such Injury as aforesaid, and thereupon the said Justices shall order the Sum assessed by the Jury to be paid accordingly; and such Judgment shall be final to all Intents and Purposes; and the said Justices shall and may award Costs to either Party as they shall think proper; and the Charges and Expences attending or in any Manner relating to the making, stopping, opening, cleansing, widening, straightening, deepening, altering, or repairing such Common Sewers, Tunnels, Gutters, Sinks, Drains, Ditches, or Watercourses shall be paid by the said Commissioners out of the Rates herein-after authorized to be raised: Provided always, that the whole Amount of the Expences of any such Works to be paid out of such Rates shall not exceed in any One Year the Sum of One hundred Pounds; and in Cases where, in the Opinion of the said Commissioners, such Works or any of them ought to be done or executed at the Expence of the Owners or Proprietors of Lands, Tenements, or Hereditaments receiving particular Benefit therefrom, the said Commissioners shall and they are hereby empowered to charge the Expences which they shall think ought to be so defrayed by Individuals upon and against the Owner or Owners, or Persons receiving the Rents and Profits as such, of such Lands, Tenements, or Hereditaments, in the Proportions respectively in which the said Sewers, Drains, or Works shall run along or be parallel to or shall manifestly benefit such Lands, Tenements, or Hereditaments; and if the said Owner or Owners or Persons as aforesaid shall refuse or neglect to pay the Sum or Sums of Money with which he, she, or they shall be charged by the said Commissioners, the Amount thereof may be recovered by the said Commissioners, upon Application to One or more Justice or Justices of the Peace, in like Manner as Penalties,
Fines,

Fines, and Forfeitures are herein-after directed to be recovered : Provided nevertheless, that nothing herein contained shall be construed to compel any Proprietor or Owner of Lands, Tenements, or Hereditaments to pay any of the Expences of such Works in any Case in which under or by virtue of any Lease or Agreement made or entered into antecedent to the passing of this Act the Occupier or Tenant of such Lands, Tenements, or Hereditaments is made liable to the Expences of draining the same, or to the Payment of Parliamentary or Parochial Taxes.

LVII. And be it further enacted, That it shall be lawful for the said Commissioners to empower any Person, at his own Expence, and upon such other Terms as they may think proper, to turn or carry any now existing private Drain or Sewer, or any new private or Branch Drain or Sewer, into any Common Sewer, Drain, Ditch, or Watercourse already made or which shall be made by virtue of this Act: Provided always, that all such private or Branch Drains so to be altered or made as aforesaid, and communicating with any Common Sewer, Drain, Ditch, or Watercourse already made or hereafter to be made under the Authority of this Act, shall be made of such Size, Construction, and Form as the said Commissioners shall direct, and under the Inspection and Direction of their Surveyor: Provided also, that no such existing or private Drain which shall communicate with any such Common Sewer, Drain, Ditch, or Watercourse shall be altered or made so as to obstruct or injure any such Common Sewer, Ditch, or Watercourse; and in all Cases of enlarging or altering any existing or future private Drain communicating with a public Drain, or of making any new Communication between any private Drain and a public Drain, Three Days Notice at least shall be given to the said Commissioners or to their Surveyor of the Intention to enlarge, alter, or make such Communication; and all such Alterations, Enlargements, or Communications made shall be so made and done under the Direction of the said Commissioners or of their Surveyor; and if any Person shall be convicted of altering or enlarging any such private Drain, or making Communication between a private and a public Drain, without such Notice as is hereinbefore stated, or without the Permission of or contrary to the Directions of the said Commissioners or their Surveyor, such Person shall forfeit and pay a Sum not exceeding Twenty Pounds.

Consent to be had for turning private Drains into Common Sewers.

LVIII. And be it further enacted, That for preventing any Sink or Refuse Water from remaining in any Cesspool or other Place within any House, Building, Ground, or Land, so as to cause a Stench or Nuisance, public or private, and for preventing the same running on or over the Surface of the Streets, Roads, Lanes, Ways, public Passages or Places, or the Channels thereof, the several Owners or Occupiers of the Messuages, Buildings, Lands, or Tenements from or in which such Sink or other Refuse Water shall arise or remain shall remove such Sink or Refuse Water and abate such Stench or Nuisance within Ten Days next after they shall have been required so to do by a Notice in Writing, signed by Five of the said Commissioners, and delivered to or left at the then or then last, or usual Place or Places of Abode of such Owners or Occupiers; and in case such Owners or Occupiers shall not reside within the Limits of this Act, or within

In case of Neglect, Surveyor may cleanse and make private Drains, and charge the Costs thereof to the Owners.

the

the Distance of One Mile therefrom, then at the Messuage, Building, Land, or Tenement to which such Sink or Cesspool belongs; and in case any such Owner or Occupier shall refuse or neglect so to do, it shall be lawful for the said Commissioners, or their Surveyor for the Time being, or any other Person appointed by them, and they are hereby respectively authorized and empowered, from Time to Time to open, scour, cleanse, widen, straighten, deepen, turn, alter, vary, or repair any of the present or future private Tunnels, Gutters, Sinks, Drains, Ditches, Sewers, or Watercourses running into, over, under, through, or adjoining upon any of the present or future Streets, Roads, Lanes, Ways, public Passages or Places within the said Limits, or to make or cause to be made any new private Tunnels, Gutters, Sinks, Drains, Ditches, Sewers, or Watercourses, from any House, Building, Ground, or Land, or any Part thereof, in, through, under, over, or adjoining to any such Street, Road, Lane, Way, public Passage or Place, for the Purpose of conveying and draining any Sink or other Refuse Water from such House, Building, Ground, or Land, or any Part thereof, into such present or future Common Sewer or public Tunnel, Gutter, Sink, Drain, Ditch, or Watercourse, as the said Commissioners shall see proper; and the Costs, Charges, and Expences thereof shall be reimbursed to the said Commissioners by the Owner or Owners, Occupier or Occupiers, within Seven Days next after Demand made; and in case of Nonpayment of such Costs, Charges, and Expences, the same shall be levied by Distress and Sale of the Goods and Chattels of such Owner or Owners, or Occupier or Occupiers, under the Authority of a Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace.

Owners to
bear Costs
paid by
Tenants, &c.

LIX. Provided always, and be it further enacted, That in any of the Cases aforesaid, where the Costs, Charges, and Expences of making, stopping, opening, scouring, cleansing, widening, straightening, deepening, turning, altering, or repairing any public or private Tunnel, Gutter, Sink, Drain, Ditch, or Watercourse, shall be paid by any Occupier or Occupiers of any Premises or Land the Owner or Proprietor whereof ought to pay over such Costs, Charges, and Expences, it shall be lawful for such Occupier or Occupiers to deduct or retain the same out of his or their Rent, and the Proprietor or Proprietors, Landlord or Landlords, is and are hereby required to allow the same accordingly to such Occupier or Occupiers, save and except in the Cases herein-before provided for of Leases or Agreements of such Lands or Premises made or entered into previously to the passing of this Act.

Compensa-
tion to be
made to
Owners of
private
Drains
adopted by
the Commis-
sioners.

LX. Provided also, and be it further enacted, That in case any private Drain made by or at the Expence of any Person shall be used by or under the Authority of the said Commissioners as or for a public Drain for the Purposes of this Act, the said Commissioners shall and they are hereby required, out of the Monies to be raised by virtue of this Act, to make Compensation to the Owners or Proprietors of such private Drain or Drains for the Expences by them incurred in making such private Drain; and in every Case where such Owners or Proprietors and the said Commissioners cannot agree respecting the Amount of such Compensation, or the said Commissioners shall refuse or neglect for the

Space

Space of Fourteen Days after Demand of Compensation shall have been made in Writing in manner herein-after provided respecting Service of Notices on the said Commissioners, then such Owners or Proprietors may apply to the next General or Quarter Sessions of the Peace for the County in which the Cause of Complaint shall arise, and the Justices of the Peace of such Sessions shall have Power to direct the Jury there attending for the Trial of Traverses to assess the Amount of such Compensation, and thereafter the said Justices shall order the Sum assessed by the Jury to be paid accordingly; and such Judgment shall be final to all Intents and Purposes; and the said Justices shall and may award such Costs as they shall think proper to either Party; and such Compensation and Costs shall be recoverable and recovered by such Owners or Proprietors in manner herein-after provided for Recovery of Compensation or Satisfaction for any Damage, Spoil, or Injury committed by the Commissioners.

LXI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to purchase or provide such Engines for extinguishing Fire, and such Water Buckets for the Supply of such Engines, and such Pipes, Tubes, and other Apparatus for such Engines, and also such Fire Escapes, Ladders, or other Implements of Safety or Use in Cases of Fire, and to hire or purchase and keep such Horses for the Use of the same, as they the said Commissioners shall think fit, and to erect and purchase or to hire and rent a proper Place or Places for keeping such Engines, Buckets, and Apparatus, and to hire or employ a proper Number of Persons as Firemen to attend the same, and to pay them such Wages or Salaries as they may think proper, and from Time to Time to displace all or any of such Persons or Firemen and to appoint others in their Stead, and also to give to such Firemen or other Persons such Rewards for their Exertions in Cases of Fire, and to make such Rules and Orders for the Regulation of such Firemen, as the said Commissioners shall think fit; and such Firemen or other Persons hired or employed as aforesaid shall in all Cases of Fire be at liberty to take and use, for the Purpose of extinguishing any such Fire or working the said Engines thereat, any Water provided for watering the said Town.

Commissioners to provide Fire Engines.

LXII. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time and at all Times hereafter, to provide and maintain a fit and convenient public Office or Offices in some central Situation within the said Limits for holding the Meetings and transacting the Business of the said Commissioners, and for the holding of such other public Meetings and transacting such other public Business relating to the said Town as the said Commissioners shall from Time to Time direct or allow to be held or transacted therein; and also to provide or erect and build Watch-houses or Lock-up Houses, and also any Erections and Buildings or Places for keeping the Fire Engines and Horses, Carts, Tools, and Implements to be provided for the Purposes of this Act, and for the depositing of Dust, Ashes, Dung, and other such Matters, and for any other Purpose necessary for the convenient Execution of this Act; and for such Purpose from Time to Time to purchase

Power to provide an Office, Watch-houses, Engine Houses, &c.

Carriers thereof respectively, and for punishing the Misconduct or Misbehaviour of Hackney Coachmen, Chairmen, and Persons attending such Carriages, Chaises, Flies, Sedan Chairs, Horses, Asses, or Mules, and for ascertaining, fixing, altering, and removing the Stands of such Carriages, Chaises, Flies, Sedan Chairs, Horses, Asses, or Mules, and for fixing the Rates, Prices, or Fares to be paid or received by such Hackney Coachmen, Chairmen, and Owners of or Persons attending such Carriages, Chaises, Flies, Sedan Chairs, Horses, Asses, or Mules; and also from Time to Time to make Bye Laws, Rules, and Orders for the Government and Regulation of Porters and Persons employed at Coach, Waggon, and other public Offices, and also of Persons acting as Porters in and about the said Limits, and for fixing the Rates and Prices to be paid or received by such Porters, and in and by such Bye Laws, Rules, or Orders to fix and specify what pecuniary Penalty or Forfeiture shall be incurred by any Person breaking the same or any of them, provided that no such Penalty or Forfeiture shall exceed the Sum of Five Pounds for any Offence; and Copies of such Bye Laws, Rules, and Orders shall from Time to Time be printed or written in large and legible Characters, and be fixed up and exposed to View in the Office of the Clerk to the said Commissioners, for the Inspection of all Persons at convenient Hours, without Fee or Reward; and other Copies thereof shall be painted on Boards, or printed, and put up in such conspicuous Places within the said Limits as the said Commissioners shall direct; and such Copies respectively shall be renewed and replaced from Time to Time as often as the same shall be obliterated, defaced, or destroyed; but no such Bye Law, Rule, or Order shall have any Force or Effect until Seven Days after the same shall have been exhibited to public Inspection as aforesaid.

and for re-
gulating
Porters.

Bye Laws to
be exhibited
on Boards.

Penalty for
damaging
Bye Law
Boards, &c.

LXVII. And be it further enacted, That if any Person shall pull down or wilfully damage or destroy any Papers or Boards fixed or put up in pursuance of this Act, for the Publication of the Bye Laws, Rules, or Orders of the said Commissioners, or any other official Publication of or from the said Commissioners in the Execution of this Act, or obliterate or deface any Printing or Writing or Painting thereon, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and every Person doing any such Damage shall also be liable to pay for or make good all Damage done and all Expences occasioned thereby.

Penalty on
Drivers of
Hackney
Coaches, &c.
plying with-
out Licence.

LXVIII. And be it further enacted, That if the Owner or Driver of any Hackney Coach, Chaise, Fly, or other Carriage, or the Carrier or Carriers of any Sedan Chair, or any Person owning or attending any Horse, Ass, or Mule, shall be found standing or plying for Hire, or using any such Coach, Chaise, Fly, or other Carriage, Sedan Chair, Horse, Ass, or Mule, for Hire, Pay, or Reward, within any Part of the said Limits, without a Licence from the said Commissioners, or having such Licence shall be found plying for Hire or acting contrary to or against any Bye Law, Rule, or Order which shall or may be made as aforesaid, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

LXIX. And

LXIX. And be it further enacted, That every Licence to be granted as herein-before mentioned shall be signed by Five or more of the said Commissioners, and shall express the Number of the Hackney Coach, Chaise, Fly, or other Carriage, or Sedan Chair, Horse, Ass, or Mule so licensed, and shall be in force for One Year from the Day of the Date of such Licence, or until the next General Licensing Meeting for the Purposes aforesaid, and no longer, unless such Licences shall, on account of the Misbehaviour or Misconduct of the Owner or Driver or Person attending such Coach, Chaise, Fly, Carriage, Sedan Chair, Horse, Ass, or Mule so licensed, be suspended or revoked by the said Commissioners, which they are hereby authorized to do; and no One Licence shall include more than One Coach, Chaise, Fly, Carriage, Chair, Horse, Ass, or Mule; and every such Licence shall be made out by the Clerk of the said Commissioners, and be duly entered in a Book to be provided and kept by him for that Purpose, with the Christian and Surname and Place of Residence of the Person to whom such Licence shall be granted, and the Number of the Licence; and in such Books shall be contained Columns or Places for Entries to be made of every Offence committed by any Owner, Driver, or Person attending a Coach, Chaise, Fly, Carriage, Sedan Chair, Horse, Ass, or Mule; and for each and every such Licence there shall be paid to the Clerk of the said Commissioners for the Time being, as a Remuneration to him for his Trouble and Expence, the following Sums; (that is to say,) for each Licence for a Hackney Coach, Chaise, Fly, or other Carriage drawn by any Number of Horses or Mules, the Sum of Five Shillings; and for each Licence for a Sedan Chair or other Carriage drawn or propelled or carried by Hand, or otherwise than as above, the Sum of Two Shillings and Sixpence; and for each Licence for a Saddle Horse, the Sum of Five Shillings; and for each Licence for a Mule or Ass, the Sum of Two Shillings and Sixpence; and every Owner of such Coach, Chaise, Fly, Carriage, Sedan Chair, and of every Saddle Horse, Ass, or Mule, shall affix and keep affixed such Figure or Number as shall be respectively appointed by the said Commissioners on such conspicuous Part of such Coach, Chaise, Fly, Carriage, or Chair as shall be appointed by the said Commissioners, and on the Front of the Bridle of every such Saddle Horse, Ass, or Mule, and shall for every Refusal or Neglect so to do forfeit and pay any Sum not exceeding Forty Shillings.

Manner of granting Licences, and Sums to be paid for the same.

LXX. And be it further enacted, That if any Owner or Driver of or any Person attending any Hackney Coach, Chaise, Fly, or other Carriage, Horse, Ass, or Mule so licensed as aforesaid, and standing or plying or being let or used for Hire, shall refuse or neglect (when applied to for that Purpose) to carry or convey any Person to any Place within the said Limits and the Neighbourhood thereof, not exceeding Twelve Miles from such Limits, or if the Owner or Driver of or other Person attending any such Hackney Coach, Chaise, Fly, or other Carriage, Horse, Ass, or Mule, so licensed as aforesaid, shall demand or take any greater or larger Rate or Fare than the Rate or Fare fixed by the said Commissioners, or shall in anywise insult or otherwise misbehave himself towards any Person whomsoever, or if the Owner or Driver of any such Hackney Coach, Chaise, Fly,

Regulating Drivers of Carriages.

[Local.]

24 Q.

or

or other Carriage, Horse, Ass, or Mule, shall not duly attend the same, then and in every such Case every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings; and it shall be lawful for the said Commissioners, in case they shall think fit, to take away and revoke any Licence so granted for any such Hackney Coach, Chaise, Fly, or other Carriage, Horse, Ass, or Mule, from the Owner or Owners thereof, if such Owner or Owners, or any Person employed in driving the same, shall separately or collectively have been Three Times convicted of any such Offence, and to refuse any such Licence for the future to any such Owner or Owners.

Persons not paying Hackney Coachmen, &c. their Fare, or damaging Carriage, &c. to be compelled by a Justice to make good the Damage.

LXXI. And be it further enacted, That if any Person shall refuse or wilfully neglect to pay on Demand to any licensed Hackney Coachman, Chaise Man, Fly Man, Sedan Chairman, or Person letting or attending any Horse, Ass, or Mule, the regular Fare or Money due to him for the Hire or Service thereof respectively, or shall cut, deface, break, or injure any such Coach, Chaise, Fly, Carriage, or Chair, Horse, Ass, or Mule, or the Harness of the same, it shall be lawful for any Justice of the Peace, upon Complaint thereof made to him, to summon the Person complained of to appear before him to answer the said Complaint, and on Proof upon Oath of the Service of the Summons to proceed in and hear the Matter of such Complaint on Oath, whether the Person so summoned shall appear or not, and to make such Order therein as to such Justice shall seem just; and if the Person against whom such Order shall be made shall not immediately pay the Money which shall be ordered as a Satisfaction to the Person for the Service performed or for the Injury done, it shall be lawful for such Justice and he is hereby required to cause the same to be levied by Distress and Sale of the Goods and Chattels of such Person so refusing or neglecting to pay, in the same Manner as Penalties are by this Act directed to be levied, and to pay the Amount so awarded and levied to the Person to whom it shall be due, with such Costs as such Justice shall think reasonable, returning the Overplus (if any) to the Owner of the Goods and Chattels so distrained; and if no Distress can be found, then to commit the Person against whom such Order shall be made to the Common Gaol, there to remain without Bail or Mainprize for any Term not exceeding Thirty Days, unless the Money be sooner paid.

Power to Mr. Ward to establish a Market on Lands belonging to him in the Parish of Tunbridge.

LXXII. And be it further enacted, That it shall be lawful for the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of *Calverley* Estate, to establish and open a Market, to be called *Calverley Market*, upon the said Estate, and to divide, arrange, and appropriate the said Lands devoted to the Purposes of the said Market in such Manner, and upon or under the same to construct such Buildings and Erections, and also to construct such Vaults and Cellars, and such Reservoirs and Cisterns for the Purpose of holding Water for the Supply of the said Market, and to lay down upon or under the said Lands, and any of the adjoining Streets, Roads, or Places, such Pipes for conducting the Water to supply the said Market, and from Time to Time to make such Alterations in the Division, Arrangement, and Appropriation of the said Lands, and such Repairs and Alterations of or in the Shops and other Buildings and Erections for the Time being thereon, and of or

in the Vaults and Cellars for the Time being under the same, and of or in the Reservoirs and Cisterns for the Time being upon or under the same, and of or in the Pipes for conducting the Water to supply the said Market, and generally from Time to Time to do and perform all such Acts and Things as shall appear to the said *John Ward*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, proper or expedient for the Establishment of the said Market, and for the Preservation and Continuance thereof; and the Market to be established and opened as herein-before is mentioned shall be a Market for the Sale of Meat, Fish, Poultry, Game, Eggs, Meal, Flour, Butter, Cheese, and other Articles of Food, Hay, Straw, Grass, Vetches, Fruit, Vegetables, Plants, Flowers, Roots, Corn, Grain, Seeds, Herbs, Glass, Earthenware, Hardware, and Cutlery, Horses, Cattle, Sheep, Swine, and all other live Animals, and all such other Articles and Things as the said *John Ward*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall, by Notice to be painted on Boards in legible Characters, and put up and continued exposed to public View in some conspicuous Part of the said Market, direct; and such Market shall be held on such Days, and at such Times and in such Manner, and subject to such Regulations, as the said *John Ward*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall from Time to Time direct or appoint.

LXXIII. And be it further enacted, That it shall be lawful for the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, to demand and take of and from any Person who shall expose for Sale in the said Market any of the Articles and Things specified in the First Part of the Schedule to this Act the Tolls not exceeding the Sums specified in the said First Part of the said Schedule.

Power to Mr. Ward to take Tolls on the various Articles specified in First Part of Schedule;

LXXIV. And be it further enacted, That if any Person shall purchase in the said Market any of the Articles and Things specified in the First Part of the Schedule to this Act, and shall again expose the same for Sale on any Stand in the Wholesale Part of the said Market, it shall be lawful for the said *John Ward*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, to demand and take of and from such Person the Tolls not exceeding the Sums specified in the said First Part of the said Schedule.

and also for Articles resold in the Wholesale Part of the Market.

LXXV. And be it further enacted, That it shall be lawful for the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, to let any Hangings for dead Meat in the said Market at such Rent, not exceeding the Rent specified in the Second Part of the Schedule to this Act in regard to such Hangings, as the said *John Ward*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall think fit.

Power to take Rents for Hangings for dead Meat;

LXXVI. And be it further enacted, That it shall be lawful for the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, from Time to Time to let any

and also for Stands.

any Sale Stand in the said Market, at any Rent not exceeding the Rent specified in the Third Part of the Schedule to this Act in regard to such Stand, as the said *John Ward*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall think fit.

Power to take Tolls for the standing of Horses.

LXXVII. And be it further enacted, That it shall be lawful for the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, to demand and take of and from any Person having the Care or Direction of any Horse or other Beast drawing any Waggon or Cart to the said Market, any Sum by way of Toll for the standing of such Horse or other Beast in any Stable erected on the Lands on which the said Market is by this Act authorized to be established, not exceeding the Sum specified in the Fourth Part of the Schedule to this Act in respect to the standing of such Horse or other Beast.

and for Waggon, &c.;

LXXVIII. And be it further enacted, That it shall be lawful for the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, to demand and take of and from the Person or any One or more of the Persons who shall bring to the said Market any Waggon or Cart containing any Articles or Things whatsoever, whether such Articles or Things shall be exposed for Sale in the said Waggon or Cart, or shall be placed, pitched, or exposed for Sale on any Sale Stand, a Toll or Tolls not exceeding the Sum or Sums specified in the Fifth Part of the Schedule to this Act.

to permit Waggons and Carts standing at extra Times, on paying weekly Rents;

LXXIX. And be it further enacted, That it shall be lawful for the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, to grant Permission to any Person to keep for a Week, or from Week to Week, or for a Succession of Weeks, a loaded or empty Waggon or Cart standing in the said Market, and to demand and receive a Rent for the same not exceeding the Sum specified in the Sixth Part of the Schedule to this Act: Provided always, that the Grant of any such Permission shall not prejudice the Right of any Person to whom any particular Stand shall by virtue of this Act be let in the said Market to the Occupation of such Stand for his own private Benefit, nor shall the Person to whom such Permission shall be granted have in consequence of such Permission a preferable Right to the Occupation of any Stand during the Market Hours for selling by Wholesale either Hay or Fruit and Vegetables.

and to take Tolls in any such Case where no Permission shall be given.

LXXX. And be it further enacted, That in the Absence of any such Permission as last herein-before mentioned it shall be lawful for the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, to demand and take of and from any Person having the Care or Direction of any Waggon or Cart, whether loaded or empty, which shall be left to stand in the said Market, any Sum by way of Toll for the standing of such Waggon or Cart, not exceeding the Sum specified in the Sixth Part of the Schedule to this Act in respect to the standing of such Waggon or Cart; provided nevertheless, that such Toll shall not be demanded for

for any loaded Waggon or Cart which shall be brought on a Market Day for the Sale of the Contents of such Waggon or Cart, provided such Waggon or Cart be brought on such Market Day at any Time before the Close of the Market, and be not left for more than Three Hours after such Close.

LXXXI. And be it further enacted, That in order that an empty Waggon or Cart on a Stand in the said Market may be no Impediment to the Sale in the said Market of the Contents of any loaded Waggon or Cart during the Market Hours for the Sale by Wholesale of such Contents, it shall be lawful for the said *John Ward*, his Heirs and Assigns, and the Owner or Owners for the Time being of the said Market, to cause such empty Waggon or Cart to be removed from such Stand to any other Stand in the said Market, and to cause the same to be kept on such other Stand during such Market Hours, and also for any Period not exceeding One Hour before the Commencement or Three Hours after the Close of the Market.

Power to remove empty Waggon or Carts.

LXXXII. And be it further enacted, That if during the Term for which any Stand within the said Market shall be let under the Authority of this Act the Person to whom the same shall be let shall not require the Occupation thereof for his own private Benefit, the same may while not so required be occupied by any other Person for the Benefit of the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market.

Stands when not required by the Lessees thereof may be used by others.

LXXXIII. And be it further enacted, That if any Person to whom by virtue of this Act any particular Stand shall have been let in the said Market shall at any Time suffer any Person to occupy such Stand for Hire, or if any Person to whom any Permission shall have been given to keep a Waggon or Cart standing in the said Market shall take any Money or other Remuneration for occupying a Stand under such Permission, every Person so offending shall forfeit and pay, by way of Penalty, any Sum not exceeding Five Pounds for every such Offence.

Penalty on Persons taking Money for Stands.

LXXXIV. And be it further enacted, That the several Rents and Tolls by this Act granted to the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, shall be payable in advance, or at such other Times and in such Manner as shall be required by the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market.

Rents, &c. to be payable in advance.

LXXXV. And be it further enacted, That if any Person by this Act made liable to the Payment of any Rent or Toll to the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, shall refuse or neglect to pay such Rent or Toll, on Demand, it shall be lawful for the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, or any other Person authorized by him or them so to do, to levy and recover such Rent or Toll by Distress and immediate Sale of a sufficient Part of any Articles or Things at any Time found within the said Market belonging to such Person, or of any other Goods and

Recovery of Rents and Tolls by Distress and Sale of Articles.

Chattels of such Person, returning or paying, on Demand, to such Person the Overplus, if any, of the Articles or Things distrained, or of the Money arising from the Sale thereof; and in case any Dispute or Difference shall arise concerning or in consequence of such Distress or Sale, such Dispute or Difference shall and may be settled and determined by any of His Majesty's Justices of the Peace, who is hereby empowered and required to summon the Parties before him, and to hear and determine upon Oath the Matter of any Complaint which may be made concerning or in consequence of such Distress or Sale, and to make such Order therein, and award such Costs to either Party, as to such Justice shall in his Discretion seem meet, and by Warrant under his Hand and Seal to cause the Costs which shall be so awarded to be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, rendering the Overplus, if any, of the Goods and Chattels distrained, or of the Money arising from the Sale thereof, to the Owner of such Goods and Chattels, after deducting the reasonable Charges of such last-mentioned Distress and Sale.

Such Rents and Tolls may be recovered by Action at Law.

LXXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall hinder or prevent the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, or any of them, from suing and recovering in any of His Majesty's Courts of Record at *Westminster* any Sum of Money whatsoever which shall become due or payable to him, them, or any of them, as or for or in respect of any Rent or Toll which shall be due or payable for or in respect of the said Market.

Mr. Ward empowered to provide Weighing Houses, &c.

LXXXVII. And be it further enacted, That it shall be lawful for the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, to erect or provide and appoint One or more House or Place, Houses or Places, in or near the said Market, as he or they shall from Time to Time think proper, for weighing or measuring any Article or Thing sold or exposed for Sale in the said Market which shall be sold by Weight or Measure, and also to provide and keep a proper and sufficient Machine or Machines, and proper and sufficient legal Standard Weights, Scales, and Measures, at such House or Place, Houses or Places, and to appoint some Person or Persons to attend the same respectively at such Time or Times as in the Rules, Orders, or Bye Laws to be made under the Authority of this Act by the said *John Ward*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall from Time to Time be directed; and every Person selling any Article or Thing by Weight or Measure in the said Market shall weigh or measure the same at such House or Place, Houses or Places as aforesaid, in or by the said Machine or Machines, Weights, Scales, or Measures, if required so to do by the Buyer of the same Article or Thing; and in order to defray the Expence of providing the said Machine or Machines, Weights, Scales, and Measures as aforesaid, and of a Person or Persons to attend the same as aforesaid, there shall be paid by the Buyer requiring any Article or Thing to be weighed or measured as aforesaid a Toll or Tolls for such weighing or measuring, not exceeding

exceeding the Sum or Sums specified in the Seventh Part of the Schedule to this Act; and it shall be lawful for the said *John Ward*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, to demand and receive, or cause to be demanded and received, such Toll or Tolls accordingly, and such Toll or Tolls shall be payable immediately on the Completion of such weighing or measuring.

LXXXVIII. And be it further enacted, That if any Seller of any Article or Thing which shall be sold by Weight or Measure in the said Market shall refuse or neglect to weigh or measure the same at, by, or with the Machine or Machines, Weights, Scales, or Measures, to be so provided as aforesaid, upon being required so to do by the Buyer of such Article or Thing, or if the Buyer of any Article or Thing which shall be so weighed or measured as aforesaid shall refuse or neglect to pay the Toll due or payable for such weighing or measuring, the Person in either Case so refusing or neglecting shall forfeit and pay, by way of Penalty for every such Refusal or Neglect, any Sum not exceeding Ten Shillings.

Penalty on Seller refusing to weigh and measure, and on Buyer refusing to pay Tolls.

LXXXIX. And be it further enacted, That it shall be lawful for the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, from Time to Time to make Rules, Orders, and Bye Laws (not inconsistent with or repugnant to the Directions or Provisions contained in this Act, or with or to any Law or Statute of that Part of the United Kingdom of *Great Britain and Ireland* called *England*), for fixing the Times at which any particular Article or Thing shall be brought to or exposed for Sale in the said Market, and for fixing the Hours for commencing and closing the said Market on each Day of holding the same, and for the Arrangement and Division of the said Market, and for the placing in the said Market of the Waggons and Cars for bringing and taking away any Articles or Things to or from the said Market, and for the placing in the said Market of the Articles and Things brought to the same for Sale, and for the cleansing of the said Market, and for the letting, occupying, holding, and using of the Stands there, and for the regulating, ordering, and governing of the said Market, and for the regulating, ordering, and governing, so far as relates to the said Market, all Persons having or seeking for any Business or Employment in the said Market, and in such Rules, Orders, and Bye Laws to fix and specify what pecuniary or other Penalties and Forfeitures shall be incurred by any Person breaking the same or any of them, provided that no such pecuniary Penalty or Forfeiture shall exceed the Sum of Five Pounds for One Offence; all which Rules, Orders, and Bye Laws so to be made from Time to Time as aforesaid all Persons whom it may concern are hereby required to observe and keep, under such Penalties and Forfeitures respectively as shall be so ascertained, fixed, and specified as aforesaid; and all such Rules, Orders, and Bye Laws shall be signed by the said *John Ward*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, and a Copy thereof shall be printed or written in legible Characters, and shall be put up and exposed to public

Power for Mr. Ward to make Bye Laws for regulating the Market.

public View in some conspicuous Part of the said Market, and the same shall from Time to Time be restored or altered when and as often as the same shall be obliterated or defaced, or any Alterations shall be made in the Rules, Orders, or Bye Laws for the regulating, ordering, or governing of the said Market.

Authenti-
cated Bye
Laws to be
Evidence.

XC. Provided always, and be it further enacted, That in every Case of a Prosecution for an Offence against any Rule, Order, or Bye Law which may be made in pursuance of this Act, in relation to the said Market, the Production of a written or printed Paper, purporting to contain such Rule, Order, or Bye Law, and authenticated by having the Signature or Seal of the Owner or Owners for the Time being of the said Market affixed thereto, shall be Evidence of the Existence of such Rule, Order, or Bye Law; and Evidence of a Board having been duly put up and exposed to public View in some conspicuous Part of the said Market, purporting to contain a Copy of the Rules, Orders, and Bye Laws for the Time being in force relative to the said Market, or any of them, shall be sufficient to prove that such Board contains a true Copy of the Rules, Orders, and Bye Laws purported to be contained therein, and also to prove that the same Board has been continued exposed to public View according to the Provisions of this Act, unless satisfactory Evidence shall be adduced to the contrary by the Defendant in any such Prosecution.

Unwhole-
some Meat
may be de-
stroyed.

XCI. And be it further enacted, That if any Person shall sell or expose for Sale in the said Market any Meat, Fish, or other Provisions which shall be of an unwholesome Nature, or in a State which shall be improper for Human Food, it shall be lawful for any Clerk, Collector, or other Person appointed under the Authority of this Act, in relation to the said Market, and such Persons as he shall call to his Assistance, without any other Authority than this Act, to seize and destroy, or cause to be seized and destroyed, such Meat, Fish, and other unwholesome Provisions as aforesaid; and every Person selling or exposing for Sale any such Meat, Fish, or other Provisions as aforesaid shall, in addition to the Forfeiture thereof, for every Offence forfeit and pay, by way of Penalty, any Sum not exceeding Five Pounds.

Power to
cause the
Sale of par-
ticular Com-
modities to
be discon-
tinued.

XCII. And be it further enacted, That it shall be lawful for the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, at any Time or Times hereafter, by any Rule, Order, or Bye Law, to order and direct (but without Prejudice to the Rights of the Lessee or Lessees of any Erection or Building in the said Market, his, her, or their Executors, Administrators, and Assigns,) that any of the Articles and Things for the Time being saleable in the said Market shall cease to be any longer sold in the said Market; and in case any Rule, Order, or Bye Law shall be made for discontinuing the Sale of any of such Articles or Things as aforesaid, the said *John Ward*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall cause a Board to be fixed up in some conspicuous Part of the said Market, notifying the Article or Thing, or Articles or Things, the Sale of which shall be so ordered to be discontinued, and the Day on which
such

such Discontinuance shall take effect, and from the Day so notified, the said Market shall (but without Prejudice as aforesaid) cease to be a Market for the Sale of the Article or Thing or Articles or Things specified in such Notice, until the Rule, Order, or Bye Law to be so made shall at any Time afterwards be altered or rescinded by the said *John Ward*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market: Provided always, that no Person shall incur any Penalty for the selling or exposing for Sale in the said Market of any Article or Thing to which any such Rule, Order, or Bye Law shall relate, unless such Rule, Order, or Bye Law shall have been notified in manner aforesaid at least Two clear Market Days before the Day on which such Sale or Exposure for Sale shall take place.

XCIH. And be it further enacted, That if any Person (not being a Lessee authorized so to do, his or her Executors, Administrators, or Assigns,) shall sell or expose for Sale in the said Market any Article or Thing which shall not for the Time being be saleable therein according to the Provisions of this Act, or shall sell or expose for Sale in the said Market any Article or Thing at any other Time or in any other Part of the said Market than that appointed by the said *John Ward*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, for the Sale of such Article or Thing, every Person so offending shall for every such Offence forfeit and pay, by way of Penalty, any Sum not exceeding Ten Pounds.

Penalty for selling other Goods than those authorized to be sold, and at other Times or in other Places.

XCIV. And be it further enacted, That after the said Market shall have been opened for public Use, and so long as the same shall be continued open for such Purpose, if any Person shall sell or offer or expose to Sale any Meat, Fish, Poultry, Game, Eggs, Meal, Flour, Butter, Cheese, or other Article of Food, Hay, Straw, Grass, Vetches, Fruit, Vegetables, Plants, Flowers, Roots, Corn, Grain, Seeds, Herbs, Glass, Earthenware, Hardware, Cutlery, or any Horses, Cattle, Sheep, Swine, or other live Animal, or other Thing for the Time being saleable in the said Market according to the Provisions of this Act, in any Place within Twenty Rods of the said Market, save and except in such Market, such Person shall forfeit and pay to the said *John Ward*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, any Sum not exceeding Forty Shillings for every such Offence: Provided nevertheless, that nothing herein contained shall be construed to extend to prevent any Person from selling or exposing to Sale any marketable Goods, Articles, or Things in his private Dwelling House or Shop.

Penalty on exposing Provisions to Sale within a certain Distance of the Market.

XCV. And be it further enacted, That it shall be lawful for the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Market, from Time to Time to demise or lease the said Market, and the several Erections and Buildings, comprising Shops, Rooms, Store-rooms, and Warehouses, for the Time being standing or being upon the said Lands, and also the Vaults and Cellars for the Time being within or under the said Lands, to such Person or Persons as shall be desirous of taking the same, for such Terms or Periods and at such Rents as the said

Mr. Ward empowered to lease the Market.

John Ward, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall think fit; and in any Lease or Leases to be granted under the Authority of this Act it shall be lawful for the said *John Ward*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, notwithstanding any thing herein-before contained to the contrary, to give the Lessee or Lessees Power to expose for Sale and to sell in any Erection or Building comprised in such Lease or Leases any Article or Thing besides those for the Time being saleable in the said Market under the Provisions of this Act.

If Lease be made of the Market, the Lessee may have the same Powers, &c. as Mr. Ward.

XCVI. Provided always, and be it further enacted, That if the said *John Ward*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, shall at any Time demise or lease the said Market, or the Site thereof, or of any Part thereof, and of all or any of the Erections and Buildings constructed on the said Site, to any Person or Persons, the Lessee or Lessees thereof, and his, her, and their Executors, Administrators, and Assigns, shall, during the Term of his, her, and their Lease, but subject to such Exceptions or Restrictions, if any, as may be expressly contained in any such Lease, have and enjoy the respective Market Rents and Tolls authorized to be taken by this Act, and such of the Penalties and Forfeitures, or Parts of Penalties and Forfeitures, inflicted or imposed by this Act, or by virtue of any Rule, Order, or Bye Law made in pursuance thereof, as the said *John Ward*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, would have been entitled to if the said Lease had not been made, and shall also, during the Term of his, her, and their Lease, have and enjoy all the Powers, Privileges, and Advantages, and be subject to all the Obligations in respect of the said Market, which the said *John Ward*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Market, would have enjoyed or been subject to by virtue of this Act or otherwise, if such Lease had not been passed.

Not to prevent other Markets from being established within Limits of the Act.

XCVII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to prevent the said Commissioners, or any other Person or Persons, at any Time hereafter from establishing any Market within the Limits of this Act, other than on the Estate of the said *John Ward*.

Power to supply Water to the Town of Tunbridge Wells.

XCVIII. And be it further enacted, That it shall be lawful for the said *Henry Earl of Abergavenny*, his Heirs and Assigns, and also for the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said several Springs of Water, and they respectively are hereby empowered, to continue and maintain the present Waterworks and other Works, and to construct and maintain such additional Waterworks and other Works and Conveniences as they respectively shall think proper, within their respective Estates, and from Time to Time to alter, repair, or discontinue the before-mentioned Works or any of them, and to substitute others in their Stead, and generally to do and execute all other Matters and Things necessary or convenient for constructing, continuing, maintaining, altering or repairing, and using the said Works, and

also to collect and raise the Water at the Springs herein-before mentioned, and at any other Springs, Streams, or Sources of Water arising in or issuing out of their said Estates, which may be found in constructing the said Works, and to convey such Water through or under the several Streets, Roads, Lanes, and other public Places within the Limits of this Act, for the Purpose of supplying with Water such of the Inhabitants of the said Town of *Tunbridge Wells* as may be willing to take the same.

XCIX. And be it further enacted, That for the Purpose of supplying Water to the Inhabitants within the Limits of this Act it shall be lawful for the said *Henry Earl of Abergavenny*, and also the said *John Ward*, their respective Heirs and Assigns, or the Owner or Owners for the Time being of the said Waterworks, and they are hereby empowered, to open and break up the Pavement and Surface in and of the several Highways, Streets, and other public Places within the said Limits, and also any Sewers or Drains therein, and to lay and place within such Limits Pipes, Conduits, and other Apparatus and Conveniences, and to do all other Acts which they respectively, or their respective Heirs or Assigns, or the Owner or Owners for the Time being of the said Waterworks, shall from Time to Time deem necessary for supplying Water to the Inhabitants of the said Limits, according to the true Intent and Meaning of this Act, and also from Time to Time to open and break up such Pavement, Surface, Sewers, and Drains, for the Purpose of repairing, altering, or removing any such Pipes, Conduits, Apparatus, or Conveniences, they the said *Henry Earl of Abergavenny* and *John Ward*, their respective Heirs or Assigns, or the Owner or Owners for the Time being of the said Waterworks, doing as little Damage as may be in the Execution of the Powers hereby granted, and making Compensation for any Damage that may be done in the Exercise of such Powers: Provided always, that before the Pavement or Surface in or of any Highway or Turnpike Road, or in or of any Street or other public Place within the Limits of this Act, shall be broken up, Seven Days previous Notice in Writing shall be given to the Surveyors for the Time being of such Highways, and to the Trustees or Commissioners of such Roads, Streets, or public Places respectively intended to be opened or broken up, or to the Clerk of such Trustees or Commissioners, specifying the Part or respective Parts of the Highways, Turnpike Roads, Streets, or Places which are intended to be opened or broken up, to the Intent that such Surveyors, Trustees, or Commissioners, or such Persons as they respectively shall appoint or authorize, may inspect and superintend the opening or breaking up of such Highways, Turnpike Roads, Streets, or public Places, and see that no unnecessary Damage or Injury be done thereto, and may give such Directions as to the Time and Mode of reinstating the same as to them may appear reasonable: Provided also, that in no Case shall any Part of such Highway, Turnpike Road, Street, or Place be wholly stopped or rendered impassable for Carriages or Cattle, unless it be unavoidably necessary, in which Case the said *Henry Earl of Abergavenny* and *John Ward*, their respective Heirs or Assigns, or the Owner or Owners for the Time being of the said Waterworks, shall, at their own

Power to open the Surface of the Highways, and to lay down Pipes for the Conveyance of Water.

Expence

Expence respectively, provide another Road or Passage for Carriages and Passengers, as good and convenient as Circumstances will admit, until the Highway, Turnpike Road, Street, or public Place aforesaid shall be restored and re-opened to the Public.

Requiring Owners of Waterworks to re-instate Pavements, &c.

C. And be it further enacted, That whenever the said *Henry Earl of Abergavenny* or the said *John Ward*, or their respective Heirs or Assigns, or the Owner or Owners for the Time being of the said Waterworks, shall have opened or disturbed the Pavement or Surface in or of any Highway, Street, or Place within the Limits of this Act, they shall with all practicable Dispatch reinstate such Pavement or Surface, and make good all Damage done to any Sewer, Drain, or other Work under the Surface of the Ground or otherwise, and to remove the Rubbish occasioned by the opening of the Ground, and in the meantime to erect a Fence around such Opening, in such Manner as to prevent Accidents to Passengers, Cattle, or Carriages; and if there shall be any wilful Delay in reinstating such Pavement or Surface, or in removing such Rubbish, or in erecting such Fence, in manner herein-before directed, they the said *Henry Earl of Abergavenny* and the said *John Ward*, their Heirs or Assigns, or the Owner or Owners for the Time being of the said Waterworks, shall forfeit and pay any Sum not exceeding Five Pounds, the same to be applied, when recovered, One Moiety to the Informer, and the Remainder to the Overseers of the Poor of the Parish or Place within which the Offence shall be committed, to be by such Overseers applied in aid of the Poor Rates of such Parish or Place.

Inhabitants of Houses, &c. within the Limits of the Act may lay Pipes to those of the Owners.

CI. And be it further enacted, That such of the Inhabitants within such Portions of the Limits of this Act wherein any Main Pipe or Street Service Pipe shall be laid, under the Authority of this Act, as may be desirous of having Water from the said Waterworks respectively conveyed into their Premises, may and they are hereby respectively authorized, at their own Expence, (having given Fourteen Days previous Notice in Writing of their Intention so to do, either to the said *Henry Earl of Abergavenny* or to the said *John Ward*, their Heirs or Assigns, or to the Owner or Owners for the Time being of the said Waterworks, and having first obtained the Consent of the Owners of the Premises through which it shall be proposed to lay any Pipe for the Conveyance of Water,) to open the Ground between such Main Pipe or Street Service Pipe and the Premises of such Inhabitants, and to lay a separate Leaden or other Pipe (the Bore whereof may be of the Dimensions of Three Quarters of an Inch in Diameter without the Consent, and of a greater Bore with the Consent of the said Owner or Owners for the Time being of the said Waterworks,) from the respective Premises of such Inhabitants to communicate with such Main Pipe or Street Service Pipe, such respective Inhabitants paying to the said Owner or Owners for the Time being of the said Waterworks the several Rents hereinafter mentioned: Provided always, that any Person who shall have laid down any Pipe as aforesaid shall be at liberty to remove the same, and the Cock and other Apparatus belonging thereto, having first given Fourteen Days Notice in Writing to the said Owner or Owners for the Time being of the said Waterworks of his Intention

to

to remove the same, and of the Time of such proposed Removal, and doing no Damage or Injury to the said Waterworks: Provided also, that no Person whatsoever shall be authorized to lay down any Pipe so as to communicate with any such Main Pipe in any Road or Place where there shall be a Street Service Pipe belonging to the said Owner or Owners for the Time being of the said Waterworks, without having previously obtained the Consent in Writing of such Owner or Owners for the Time being of the said Waterworks respectively for that Purpose.

CII. And be it further enacted, That every Person supplied with Water under the Provisions of this Act shall, having Seven Days Notice in Writing so to do from the Owner or Owners for the Time being of the said Waterworks, respectively provide a proper Cistern to receive and retain the Water with which he shall be so supplied, and such Person shall also provide a Ball and Stop Cock, or other self-acting Cock, affixed to the Pipe conveying the Water into such Cistern, and shall repair and renew the same respectively as often as shall be necessary, so as effectually to prevent the Water conveyed into such Cistern from running to waste; and in case such Person shall make default in any of the Matters aforesaid it shall be lawful for the said Owner or Owners for the Time being of the said Waterworks, or for any Person acting under his or their Authority, to cut off the Pipe or to turn off the Water from the Premises of such Person, until such Cistern and Ball and Stop Cock shall be provided and fixed in manner herein-before directed.

Cisterns and Ballcocks to be provided, if required.

CIII. And be it further enacted, That the said *Henry Earl of Abergavenny* and *John Ward*, and their respective Heirs and Assigns, and the Owner or Owners for the Time being of the said Water Works, shall not be entitled to demand any higher Rent for the Supply of Water to any Inhabitant occupying any private Dwelling House, or any Part of a private Dwelling House, within the Limits of this Act, than the following; that is to say, where the annual Rack Rent or Value of the Premises so supplied with Water shall not exceed Ten Pounds, the Sum of One Pound; where such Rent or Value shall exceed Ten Pounds and shall not exceed Twenty Pounds, the Sum of Two Pounds; where such Rent or Value shall exceed Twenty Pounds and shall not exceed Thirty Pounds, the Sum of Three Pounds; where such Rent or Value shall exceed Thirty Pounds and shall not exceed Forty Pounds, the Sum of Four Pounds; where such Rent or Value shall exceed Forty Pounds and shall not exceed Sixty Pounds, the Sum of Five Pounds; where such Rent or Value shall exceed Sixty Pounds and shall not exceed Eighty Pounds, the Sum of Six Pounds; where such Rent or Value shall exceed Eighty Pounds and shall not exceed One hundred Pounds, the Sum of Seven Pounds; and where such Rent or Value shall exceed One hundred Pounds and shall not exceed One hundred and fifty Pounds, the Sum of Eight Pounds; and where such Rent or Value shall exceed One hundred and fifty Pounds, at a Rate not exceeding Twelve Pounds *per Annum*; and such Water Rent shall be payable according to the actual Amount of the Rent, or according to the actual annual Value of the Premises in all Cases in

Limiting the Rents to be paid for Water.

[Local.]

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which

which such last-mentioned Rent or Value can be ascertained; and in Cases in which the same cannot be ascertained then according to the Rack Rent in the Proportion in which such Inhabitant shall be assessed to the Poor Rate: Provided nevertheless, that the Owner or Owners for the Time being of the said Waterworks shall not be entitled to recover from any such Inhabitant more than the Sum of Twelve Pounds in any One Year for such Supply, nor shall the Owner or Owners for the Time being of the said Waterworks be obliged to furnish such Supply to any Inhabitant for a less Sum than One Pound in any One Year: Provided also, that in the Case of Steam Engines, or of Manufacturers, Dyers, Printers, Bleachers, Hatters, Innkeepers, Alehouse Keepers, Vintners, Brewers, Livery Stable Keepers, or Persons requiring a Supply of Water for Prisons, Hospitals, Baths, Ponds, Pools, or Closets, or for washing Carriages, or for Cows or Horses, or for the Purposes of any Trade or Business, or for any other than domestic Purposes, or for Service above the Height of Six Feet from the Level of the Pavement of the Street within which the Premises so supplied may be situate, such Supply may be furnished by the Owner or Owners for the Time being of the said Waterworks at such Rent as shall be agreed upon between him or them and such Persons respectively.

Rents to be payable in advance.

CIV. And be it further enacted, That the Rents payable to the Owner or Owners for the Time being of the said Waterworks, by virtue of this Act, shall be payable half-yearly in advance, and the first Payment shall become due immediately on the Commencement of the Period for which the Person using the said Water may agree with the Owner or Owners for the Time being of the said Waterworks; and in case Default shall be made by any Person in Payment of any such Rents, it shall be lawful for the Owner or Owners for the Time being of the said Waterworks respectively to separate the Pipe supplying with Water the Person so making Default, and to stop the Water from flowing into the Premises of such Person; and the Rent so due from such Person, if less than the Sum of Twenty Pounds, shall and may be recovered by such Owner or Owners for the Time being of the said Waterworks, together with the Costs and Expences of removing the Pipe and cutting off the Water, and of making the Distress, by Distress and Sale of the Goods and Chattels of such Person, wherever such Goods and Chattels may be found; but in case the Rent so due shall amount to or exceed the said Sum of Twenty Pounds, the same shall and may be recovered (together with such Costs and Expences as aforesaid) in the same Manner as Rents reserved or in arrear on common Demises may by Law be recovered; or such Rent (together with Costs of Suit) may be recovered in any of His Majesty's Courts of Record having competent Jurisdiction, by Action of Debt or on the Case.

For settling Disputes as to the Amount of Rent.

CV. And be it further enacted, That if any Dispute shall arise concerning the Amount of the Rent due, or the Costs and Expences of removing the Pipe and of cutting off the Water, or the Charges occasioned by any Distress, it shall be lawful for the Person distraining to retain such Distress, or the Money arising from the Sale thereof, until the Amount of the Rent due, and the Costs and

Expences aforesaid, and the Charges of making and selling such Distress (as the Case may be), shall have been ascertained by some Justice or Justices of the Peace within whose Jurisdiction the Case shall arise, who, upon Application made to him or them for that Purpose, shall examine the Matter upon Oath of the Parties or other Witness or Witnesses, and determine and award the Amount due; and it shall be lawful for such Justice or Justices to award such Costs to be paid by either of the Parties to the other of them as he or they may think reasonable; and in case of Nonpayment of such Costs, on Demand, the same may be recovered and levied by such Ways and Means and in such Manner as the Water Rents by this Act granted are by such Act authorized to be recovered and levied.

CVI. And be it further enacted, That where any Messuage or Tenement in the Occupation of several Persons, instead of being supplied by separate Service Pipes, shall, with the Consent in Writing of the said Owner or Owners for the Time being of the said Waterworks, be supplied by one common Pipe, the respective Owners and Occupiers of each Set of Apartments or Premises shall be liable to the Payment of Rent for the Supply of Water at and after the same Rate as they would have been liable to if the Premises respectively occupied by them had been distinct Houses.

Where several Houses are supplied by one common Branch Pipe, each Occupier to be liable to Rent.

CVII. And be it further enacted, That in case the said Owner or Owners for the Time being of the said Waterworks respectively shall refuse or wilfully neglect to supply with Water any Person occupying any private Dwelling House within any Part of the Limits of this Act in which any Main Pipe or Street Service Pipe of such Owner or Owners for the Time being of the said Water Works respectively shall be laid, at the Rent and according to the Directions in this Act mentioned, for the Space of Twenty-one Days after Demand in Writing made by such Person to the said Owner or Owners for the Time being of the said Waterworks, or their Clerk or Engineer respectively, and Tender of the Amount of One Year's Rent for such Supply, the said Owner or Owners for the Time being of the said Waterworks shall forfeit and pay to such Person Treble the Amount of the Rent so tendered, except as herein-after mentioned, and also a further Sum not exceeding Twenty Shillings, for every Day during which he or they shall refuse or wilfully neglect as aforesaid to supply such Water, which respective Penalties shall be levied and recovered as other Penalties are herein directed to be levied and recovered: Provided always, that no Arrears of Rent shall be due from the Party making such Demand for Water as aforesaid.

Penalty for not supplying Water to the Inhabitants.

CVIII. And whereas the Waterworks on the said *Calverley* Estate were originally constructed for the Supply of Water to the Inhabitants of the said Estate: And whereas the Quantity of Water collected by such Works at certain Seasons may be inadequate to supply the Inhabitants of the Town of *Tunbridge Wells*, who may wish to obtain Water from the said Works, but who may not occupy Houses within the said Estate; be it therefore enacted, That nothing in this Act contained shall extend or be construed to extend to compel the

Mr. Ward not compelled to supply Inhabitants (not on *Calverley* Estate) unless the Supply per Mi-

nute exceeds Fifty Gallons, nor to supply any Parties if Springs fail.

said *John Ward*, his Heirs or Assigns, or the Owner or Owners for the Time being of the Waterworks on the said *Calverley Estate*, to give or furnish a Supply of Water, or to subject him or them to any Penalty for not giving or furnishing such Supply, to any Person not being an Inhabitant of the said Estate, at any Time when the Springs or other Sources supplying the said Waterworks shall not yield a greater Quantity of Water than at the Rate of Fifty Gallons *per Minute*; nor shall he or they be liable to any Penalty for not furnishing a Supply of Water to the Inhabitants of the said Estate whenever the Springs or other Sources of Water shall fail, or become inadequate to such Supply.

Penalty on Persons supplied with Water supplying others without Consent.

CIX. And be it further enacted, That if any Person supplied with Water under the Authority of this Act shall furnish any Portion of such Water to any Person who shall not have agreed with the Owner or Owners for the Time being of the said Waterworks for a Supply of Water, or shall wilfully permit such last-mentioned Person to take any Portion of such Water, or if any Person, not having so agreed as aforesaid, shall take or use any Water from any of the aforesaid Waterworks, or the Owner or Owners for the Time being of such Waterworks, or from any Cistern, Pipe, Ball, or Cock belonging to any Person renting Water under the Authority of this Act, without the Consent of such Owner or Owners for the Time being of the said Waterworks, or if any Person shall wilfully or negligently suffer his Cistern, or any Pipe, Ball, or Cock, or other Apparatus belonging to him, and communicating or connected with the said Waterworks, to be out of repair, so that any of the Water supplied shall run to waste, then and in every such Case every Person so offending shall forfeit and pay for every such Offence to the said Owner or Owners for the Time being of the said Waterworks any Sum not exceeding Five Pounds, over and above the Amount of Damage to be sustained by the Owner or Owners for the Time being of the said Waterworks by the Act or Means in respect of which such Penalty shall be incurred.

For preventing undue Waste of Water.

CX. And be it further enacted, That it shall be lawful for the said Owner or Owners for the Time being of the said Waterworks, or for the Engineer or other Person acting by or under his or their Authority, between the Hours of Eight of the Clock in the Morning and Nine of the Clock in the Evening, to enter into any Premises supplied with Water under the Authority of this Act, and to examine if there be any Waste or undue Diversion or Appropriation of the Water so supplied; and if the Owner or Owners for the Time being of the said Waterworks, or such Engineer or other Person as aforesaid, shall be refused Admittance into such Premises for the Purposes aforesaid, or on being admitted shall be obstructed or prevented from making such Examination, then and in every such Case it shall be lawful for the said Owner or Owners for the Time being of the said Waterworks respectively to cut off the Water so supplied by him or them from such Premises.

Penalty on Persons obstructing or

CXI. And be it further enacted, That if any Person shall wilfully obstruct or prevent the said Owner or Owners for the Time being of the

the said Waterworks, or their respective Agents, Servants, or Workmen, or any of them, in the Execution of this Act, or if any Person shall wilfully open any Lock, Gate, Clough, Paddle, Valve, Pipe, or Cock connected with any of the said Waterworks respectively, or shall flush or draw off the Water from any of the said Waterworks, or shall do any other wilful Act whereby the Water in any of the said Waterworks shall be mis-spent or wasted, every Person so offending in any of the Cases aforesaid shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence, besides the Amount of the Damage sustained by the said Owner or Owners for the Time being of the said Waterworks by the Act or Means in respect of which such Penalty shall be incurred.

opening
Locks, &c.

CXII. And be it further enacted, That if any Person shall bathe in any Reservoir, Aqueduct, or other Waterworks belonging to the said Owner or Owners for the Time being of the said Waterworks respectively, or wash therein any Dog or other Animal, or throw or entice or cause to go or be therein any Dog or other Animal, or any Gravel, Stone, Rubbish, Filth, or other noisome or offensive Matter or Thing, or wash or cleanse therein any Cloth, Wool, Leather, or the Skin of any Sheep, Lamb, or other Animal, or any Wearing Apparel or other Thing, or shall cause or permit the Water of any Sink, Sewer, or Drain, or other filthy Water belonging to him, or which ought to be conveyed away by him, to run or be conveyed into any of the Waterworks belonging to the said Owner or Owners for the Time being of the said Waterworks, or into any of the Springs or Watercourses communicating therewith, or shall commit or cause to be committed any other Act whereby the Water in any of the said Waterworks shall be soiled, fouled, or corrupted, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence: Provided always, that in every Case where the Roads, Streets, or Pavements shall be opened or broken up under the Authority of this Act, for the Purposes of laying Water Pipes, or for the Purposes of Drains or Sewers, or any other Purpose whatsoever, the same shall not be done within Thirty Feet from the Chalybeate or Mineral Well situate on the *Pantiles* without Three clear Days Notice being given of the Intention so to do to the Clerk for the Time being of the said Commissioners, or to the Steward, Agent, or Bailiff of the Proprietor of the said Well; nor without their Superintendence and Approbation.

Penalty on
Persons foul-
ing the
Water.

CXIII. And be it further enacted, That it shall be lawful for the said *Henry Earl of Abergavenny*, his Heirs and Assigns, and the said *John Ward*, his Heirs and Assigns, or the Owner or Owners for the Time being of the said Waterworks, to demise or lease the said Waterworks respectively, and the Lands, Buildings, Erections, and Conveniences thereto belonging or therewith connected, or any Part or Parts thereof respectively, to such Person or Persons as shall be desirous of taking the same, for such Terms or Periods and at such Rents as they respectively, and their respective Heirs or Assigns, or the Owner or Owners for the Time being of the said Waterworks, shall think fit.

Power to
lease the
Water-
works.

If Lease be made of the Waterworks, the Lessee may have the same Power as Owners.

CXIV. Provided always, and be it further enacted, That if the said *Henry Earl of Abergavenny*, his Heirs and Assigns, or the said *John Ward*, his Heirs or Assigns, or the Owner or Owners for the Time being of the said Waterworks, shall at any Time demise or lease the said Waterworks respectively, and the Lands, Buildings, Erections, and Conveniences belonging thereto or connected therewith, or any Part or Parts thereof, to any Person or Persons, the Lessee or Lessees thereof, and his, her, and their Executors, Administrators, and Assigns, shall, during the Term of his, her, and their Lease, but subject to such Exceptions or Restrictions as may be expressly contained in any such Lease, have and enjoy the respective Water Rents authorized to be taken by this Act, and such of the Penalties and Forfeitures, or Parts of Penalties and Forfeitures, inflicted or imposed by this Act, or by virtue of any Rule, Order, or Bye Law made in pursuance thereof, as the said Owner or Owners for the Time being of the said Waterworks would have been entitled to if such Lease had not been made, and shall also during the Term of his, her, and their Lease have and enjoy all the Powers, Privileges, and Advantages, and be subject to all the Obligations in respect of the said Waterworks, which the Owner or Owners for the Time being of the said Waterworks would have enjoyed or been subject to by virtue of this Act, or otherwise if this Act had not been passed.

Power to appoint Officers for the Market and for the Waterworks.

CXV. And be it further enacted, That it shall be lawful for the Owner or Owners for the Time being of the said Market, or for the Owner or Owners for the Time being of the said Waterworks respectively, from Time to Time to appoint such Inspectors, Clerks, Collectors, Engineers, and other Officers for the Purpose of effecting all or any of the Objects of this Act, in reference to the said Market and Waterworks respectively, as the Owner or Owners for the Time being of the said Market or of the said Waterworks respectively (as the Case may be) shall think fit, and from Time to Time to remove such Inspectors, Clerks, Collectors, Engineers, or other Officers, or any of them, and to appoint others in their Stead.

Rates for lighting Streets, Highways, &c.

CXVI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to make One or more Rate or Rates in every Year upon all the Tenants or Occupiers of all Messuages, Houses, Shops, Workhouses, Workshops, Wharfs, Warehouses, Cellars, Vaults, Manufactories, Foundries, Mills, Works, Stables, Coach-houses, Brewhouses, Maltings, and other Buildings of whatever Description, already erected or made, or which hereafter shall be erected or made, within the Limits of this Act, and upon all Gardens, Curtilages, Yards, and other Conveniences thereunto adjoining and belonging or therewith occupied, and upon all Lands, Tenements, and Hereditaments of whatever Description within the said Limits, according to the annual Value thereof respectively, so as the same do not exceed in the whole in any one Year, except in the Event herein-after mentioned, the Sum of Two Shillings in the Pound of the yearly Value thereof, (such Value to be ascertained, determined, and equalized by the said Commissioners, or by any Assessor or Assessors to be by them appointed for that Purpose, by

such Ways and Means as shall by them be deemed proper and sufficient, and making such Allowances, according to the Return of such rateable Property, and the relative Profits of Houses and Lands, as under all Circumstances to them shall seem just and reasonable,) for the Purposes of defraying the Charges and Expences, or Part thereof, of applying for, obtaining, and passing of this Act, and of lighting, watching, cleansing, and regulating the several Streets, Roads, Lanes, Ways, and other public Passages and Places within the said Limits, and of otherwise carrying this Act into execution in relation thereto : Provided nevertheless, that no Person shall be rated or be rateable in or by such Rate for or in respect of any Arable, Meadow, Pasture, or Orchard Land, Hop-ground, Woodland, Yard, Barn, Stable, House, or other Building used for the Purposes of Husbandry only : Provided always, that in case it shall happen in any one Year that the said Rate of Two Shillings in the Pound shall not produce the Sum of One thousand and two hundred Pounds, then and in every such Case it shall be lawful for the said Commissioners to make and levy such further Rate or Rates as shall together be sufficient to realize the Sum of One thousand and two hundred Pounds at the least.

CXVII. And be it further enacted, That the several Rates made under the Authority of this Act shall be paid to the Collectors or other Persons appointed by the said Commissioners to receive the same ; and the said respective Rates and the Monies arising therefrom shall be and the same are hereby vested in the said Commissioners, and shall be by them applied in and towards the Purposes for which such Rates respectively shall have been made.

Rates vested in the Commissioners.

CXVIII. And be it further enacted, That if any Person duly rated under the Authority of this Act shall neglect or refuse to pay his Proportion of any of the said Rates for the Space of Fourteen Days after the personal Demand thereof, or Demand in Writing left at the Dwelling House or usual Place of Abode of such Person, or on the Premises in respect of which such Rate shall be made, the same shall be levied and recovered by Distress and Sale of the Goods and Chattels of such Person by Warrant under the Hand and Seal of any Justice of the Peace ; and the Overplus (if any) of the Monies to be raised by such Distress and Sale shall be returned, on Demand, to the Owner of the Goods and Chattels so distrained and sold, together with what shall remain unsold, after deducting all Expences previous to and attending such Distress and Sale, such Expences to be ascertained and directed by the said Justice ; and in default of such Distress it shall be lawful for the said Justice to commit such Person to any Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months, or until Payment of all Money found to be due and in arrear upon all such Rates as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, the Amount of such Costs, Charges, and Expences to be ascertained and determined by the said Justice or Justices.

Recovery of Rates from Persons neglecting or refusing to pay.

CXIX. And

Form of
Warrant of
Distress.

CXIX. And be it further enacted, That the Warrant of Distress for the Nonpayment of any Rate to be made by virtue of this Act may include One or more Person or Persons, and may be in the Words or to the Effect following; (that is to say,)

‘ to wit. } To the Collector of the Improvement Rate of the Town of
‘ Tunbridge Wells in the Counties of *Kent* and *Sussex*, ‘ and
‘ to all Constables, Headboroughs, Beadles, and Peace Offi-
‘ cers within the said Town and Counties respectively.

‘ **W**HEREAS the under-mentioned Persons, now or late Inhabitants,
‘ Householders, Landlords, Tenants, or Occupiers of Premises
‘ within the Town aforesaid, have been duly rated in or are liable to
‘ the Payment of a Rate made on the Day of under the
‘ Authority of an Act passed in the Fifth Year of the Reign of King
‘ *William* the Fourth, intituled [*here set forth the Title of this Act*], in,
‘ and there is now due from them respectively, the several Sums of Money
‘ against their Names herein-after respectively set down, which they
‘ have respectively refused or neglected to pay, as appeareth upon Oath
‘ to me, one of His Majesty’s Justices of the Peace for the County of
‘ *Kent* [*or of Sussex, as the Case may be*]; 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 Sum
‘ or Sums of Money should not be paid: These are therefore in His
‘ 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 Consta-
‘ bles, Headboroughs, and other His Majesty’s Peace Officers for the
‘ said Town and Counties respectively to be aiding and assisting in all
‘ Things relating to the Premises. Given under my Hand and Seal
‘ this Day of in the Year of our Lord One thousand
‘ eight hundred and

‘ Sums due.

£ s. d.

‘ A. B.

‘ C. D.

Constables
or Head-
boroughs to
assist in
making Dis-
tress.

CXX. And be it further enacted, That in all Cases where a Distress is hereby authorized to be made, if any Constable or Headborough of and within the said Town or either of the said Counties, upon being required by any Person appointed to collect any Rates, or by any other Person (who shall have obtained a Warrant for such Distress from any Justice of the Peace), shall refuse or neglect to aid or assist in making a Distress and Sale pursuant to such Warrant, every such Constable or Headborough shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered in the Manner in which other Penalties or Forfeitures are by this Act directed to be recovered.

CXXI. Pro.

CXXI. Provided, always, and be it further enacted, That it shall be lawful for the said Commissioners, or for the Justices of the Peace in Petty Sessions assembled, where they shall see Cause, by reason of the Poverty or Sickness of any Person rated under this Act, or by reason that any Buildings, Lands, Tenements, or Hereditaments are not lighted and watched, or only partly lighted and watched, by virtue of this Act, to mitigate, reduce, or wholly remit the Payment of any Rate imposed under the Authority of this Act, in such Manner as the said Commissioners or Justices shall in their Discretion think just and reasonable.

Rates on Premises receiving only a partial or no Benefit from the lighting and watching may be reduced or remitted.

CXXII. And be it further enacted, That it shall be lawful for the said 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 therein, or by raising or reducing the Sum or Sums at which any Person shall have been rated therein, who shall appear to them to have been underrated or overrated, or by making such other Amendments therein as will, in the Judgment of the said Commissioners, make such Rate conformable to the true Intent and Meaning of this Act, and no such Amendment shall be held to vitiate the same or to render it less operative; and every Rate which shall be so altered or corrected shall be as valid and effectual in Law to all Intents and Purposes as if such Addition had been inserted, or such Alteration or Correction had been made in the Rate at the Time the same was first made and signed: Provided always, that every Person whose Name shall be so inserted, or who shall be so made liable to the Payment of any Sum of Money, or who shall think himself aggrieved by any such Addition, Alteration, or Correction, shall have the same Right of Appeal therefrom as he would have had had such Addition been inserted, or such Alteration or Correction made in the Rate at the Time when the same was first made and signed; and in case of Alteration or Correction, such Person whose Rate shall be so altered or corrected shall be entitled to Seven Days Notice thereof before the Rate shall be payable by him.

Commissioners may amend Rates.

CXXIII. And be it further enacted, That it shall be lawful for the said Commissioners, and for all other Persons authorized by them, at all reasonable Times to inspect the Books of Assessment made from Time to Time for the Relief of the Poor in the several Parishes within the said Limits, and also to take Copies thereof and make Extracts therefrom, which Inspection, Copies, and Extracts the Collectors of the Poor Rate or other Person having the Custody of such Books and Assessments are hereby required to permit and suffer to be made without Fee or Reward; and on Refusal thereof he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Power to inspect Poor Rates, to ascertain the Value of Premises to be rated.

CXXIV. And be it further enacted, That the several Owners of all Houses, Buildings, or Tenements within the said Limits, the yearly Rent or Value whereof respectively shall not exceed Twelve Pounds,

Landlords in certain Cases to be rated as Occupiers.

[*Local.*]

24 X

OR

or which, whatever the yearly Rent or Value of the same may be, shall be let to weekly or monthly Tenants, or in separate Apartments, furnished or unfurnished, for any Period of Time whatever, the Rents whereof shall be payable or be collected at any shorter Period than quarterly, shall be rated to and shall pay the Rates by this Act directed to be made or levied, instead of the actual Occupiers thereof.

Owner to be rated without naming him.

CXXV. And be it further enacted, That whenever the Name of the Owner of any such Houses, Buildings, or Tenements shall not be known to the said Commissioners, or to the Person making any Rates for the Purposes of this Act, it shall be sufficient to rate such Owner in the Rate Book of the said Commissioners as the Owner of such Houses, Buildings, or Tenements within the Meaning or for the Purposes of this Act by the Title or Designation of "The Owner," without stating the Name of such Owner; and the Person so rated by such Title or Designation shall be liable to pay and shall pay the said Rate.

Defining Owners for the Purposes of this Act.

CXXVI. And in order to prevent any Dispute touching the Meaning of the Word "Owner" for the Purposes of rating under the Authority of this Act, be it enacted, That the Person receiving or authorized to receive the Rents of any Houses, Buildings, or Hereditaments within the said Limits from the immediate Occupier thereof, either on his own Account or as Agent of any other Person, or the Mortgagee receiving the Rents of such Houses, Buildings, or Hereditaments, shall be deemed the "Owner" of the same for the Purposes of such rating.

Power to make Composition with the Owners of Houses, &c. for Payment of Rates.

CXXVII. And be it further enacted, That whenever the Owner of any such Houses, Buildings, or Tenements shall be rated as hereinbefore mentioned, the said Commissioners shall and they are hereby required, on Application made to them by such Owner, to compound with him for the Payment of the Rates to which he shall have become liable, at such reduced yearly Proportion or Amount as the said Commissioners shall think proper, such reduced Proportion or Amount not being less than One Half of the annual Value or yearly Rent of such Houses, Buildings, or Tenements, and from Time to Time to renew, alter, or discontinue any such Composition; and all such Compositions shall be entered in the Rate Book of the said Commissioners: Provided always, that the said Commissioners shall not be required to enter into any such Composition for a longer Period than Twelve Calendar Months at any one Time.

Certain Occupiers to be rated, if required.

CXXVIII. Provided always, and be it further enacted, That it shall be lawful for the Occupiers of any Houses, Buildings, or Tenements in the said Limits to demand to be assessed for and to pay the Rates to be from Time to Time made for the Purposes of this Act; and the said Commissioners are hereby required to assess such Occupiers so demanding to be assessed instead of the Owner thereof, so long as such Occupier shall duly pay the whole Amount of the said Rates, and no longer.

CXXIX. And be it further enacted, That when the Owner of any Houses, Buildings, or Tenements shall have been rated in pursuance of this Act, and the Rate shall have remained due and unpaid for the Space of Six Calendar Months, the Person renting and occupying the same shall and may, at the Discretion of the said Commissioners, be called upon and required to pay such Rate, or any Composition for the same; and in case of Nonpayment thereof the Goods and Chattels of such Person shall be liable to be seized, distrained, and sold for such Nonpayment, as if such Person had been rated in such Rate, or had entered into such Composition: Provided always, that no Person so renting or occupying as aforesaid shall be required to pay, nor shall his Goods and Chattels be seized or distrained, for any further Sum than the Amount of Rent actually due from him for or in respect of the Premises which shall have been so rated, or in respect of which such Composition shall have been made as aforesaid, at the Time of such Requisition to pay, or of such Seizure or Distress respectively, and which Amount the Person so renting or occupying as aforesaid is hereby required to disclose on Application made to him; and in default of such Disclosure it shall be lawful for the said Commissioners to levy the whole Amount of Rate then due by such Distress and Sale as aforesaid: Provided also, that if the Distress and Sale so made shall not be sufficient to discharge the whole Amount of the Rate then due, the Owner of such Premises shall continue liable to the Payment of so much of the said Rate as shall not have been so recovered: Provided also, that no Action of Debt shall be brought against any such Persons so renting or occupying as aforesaid for any Rate or Composition by this Act directed or authorized to be made.

Goods of Occupiers to be distrained to a certain Extent.

CXXX. And be it further enacted, That every Person so renting or occupying as aforesaid who shall be required to pay and who shall pay the Amount of such Rate or Composition in respect of which the Owner of any Premises shall have been rated, or on whose Goods and Chattels the said Amount shall have been levied, may deduct the same, together with the Costs and Charges (by him paid) of making such Distress and Sale, from the Rent then due or thereafter to become due by him for renting or occupying such Premises respectively, unless such Occupier shall be in possession of such Premises under or by virtue of any Agreement, verbal or written, made before the passing of this Act, or unless there be some Agreement to the contrary between such Person and his Lessor or Landlord; and the Receipt for the Amount so paid or levied by the Person so authorized to receive the same shall be a sufficient Discharge to the Person so renting or occupying as aforesaid against his Lessor or Landlord for the Amount in such Receipt mentioned, and the Receipt in Writing under the Hand of such Person so authorized as aforesaid shall, on Proof of his Handwriting, be Evidence of such Receipt.

Occupiers paying Rate authorized to deduct same from the Rent.

CXXXI. Provided always, and be it further enacted, That when any Person shall at the Time of the passing of this Act be in the Occupation of any House, Building, Land, Tenement, Hereditament, or separate Apartment in the said Limits as Tenant thereof, by

Tenants by virtue of Agreements made before the passing

virtue

of this Act to repay the Rates to their Landlords, unless otherwise agreed.

virtue of any Agreement, written or verbal, entered into before the passing of this Act, and the Owner thereof shall be rated in respect thereof in any Rate under the Authority of this Act, or shall compound for the Rates in respect thereof, it shall be lawful for such Owner to recover of and from the Tenant of such House, Building, Land, Tenement, Hereditament, or separate Apartment, any Sum of Money which such Owner shall pay for any Rate or Composition so rated or imposed upon him in respect of the said Premises, whilst the same shall be so held or occupied by such Tenant under any such Agreement, or a proportionate Part thereof; and for the Recovery thereof such Owner shall have and be entitled to all such Remedies as Landlords by any Law or Statute have or are entitled to for the Recovery of Rent in arrear from their Tenants, unless in such Agreement it shall have been expressly agreed that the Landlord or Owner shall bear or pay the Rates in respect of such Premises.

Recovery of Rates from Persons removing.

CXXXII. And be it further enacted, That in case any Person shall quit or be about to quit his Premises before he shall have paid the Rates then due in respect thereof, and shall refuse or neglect to pay the same on Demand, it shall be lawful for the said Collector, by Warrant under the Hand and Seal of any Justice of the Peace, which Warrant such Justice is hereby empowered and required to grant, upon Proof of any such Removal, or of a reasonable Suspicion of an intended Removal, to seize the Goods and Chattels of any such Person, wherever they may be, and to sell the same, rendering the Overplus (if any), after having deducted the reasonable Costs, Charges, and Expences attending such Distress and Sale, upon Demand, to the Owner of such Goods and Chattels.

Rate Books to be received as Evidence.

CXXXIII. And be it further enacted, That the Books of Rates of the said Commissioners, and all Entries afterwards made therein, in manner by this Act directed, shall be received as Evidence of the Rates imposed by virtue of this Act.

On Appeal from Rate, Quarter Sessions may amend without quashing it.

CXXXIV. And be it further enacted, That on all Appeals from any Rate made in pursuance of this Act the Court of General or Quarter Sessions of the Peace shall, and such Court is hereby authorized and required (in all Cases where they shall see just Cause to give Relief), to amend such Rate, either by inserting therein, or by striking out therefrom, the Name of any Person, or by altering the Sum therein charged on any Person, or in any other Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Rate: Provided always, that if the said Court shall be of opinion that it is necessary, for the Purpose of giving Relief to the Person appealing, that the Rate should be wholly quashed, then the said Court may quash the same, and order a new one to be made.

Persons removing to pay a proportionable Part of the Rate.

CXXXV. And be it further enacted, That in all Cases where any Person shall remove from or quit any Premises which shall be rated by virtue of this Act, such Person shall be liable to pay such Rate in proportion to the Time for which he occupied the same, in like Manner

Manner as if he had not removed from or quitted the same; and in all Cases where any Person shall come into or occupy any such Premises as aforesaid, out of or from which any other Person rated as aforesaid shall have removed, or which at the Time of making any such Rate were empty, or were not rated under the Authority of this Act; he shall, for and in respect of his Occupation thereof, be liable only to such Rate in proportion to the Time that he shall occupy the same, in the same Manner as if he had been originally rated for such Premises, which said respective Proportions, in case of Dispute, shall be determined by the said Commissioners.

CXXXVI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered from Time to Time to borrow and take up at Interest any Sum of Money not exceeding the Sum of Two thousand Pounds upon the Credit of the respective Rates by this Act granted and made payable, for the respective Purposes of this Act, or any of them, and by Writing under their Hands and Seals to mortgage, grant, or assign such Rates, or any of them, or any Part or Parts thereof respectively, to the Person or Persons who shall advance or lend such Money, or to his or their Trustee or Trustees, as a Security or Securities for the Money borrowed, together with lawful Interest for the same; and every such Mortgage or Assignment may be in the Words or to the Effect following; (that is to say,)

Power to borrow Money on Mortgage of the Rates.

‘ **BY** virtue of an Act passed in the Fifth Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], We, _____ of the Commissioners appointed by and in pursuance of the said Act, in consideration of the Sum of _____ advanced and lent by *A. B.* upon the Credit and for the Purposes of the said Act, do grant, bargain, sell, and assign unto the said *A. B.*, his Executors, Administrators, and Assigns, such Proportion of the Improvement Rates arising by virtue of the said Act as the said Sum of _____ doth or shall bear to the whole Sum which may at any Time be borrowed or become due and owing or charged upon the Credit of the said Act; to be had and holden from this _____ Day of _____ in the Year _____ until the said Sum of _____ with Interest at _____ per Centum per Annum for the same, shall be paid and satisfied.’

Form of Mortgage.

And every such Mortgage shall be valid in Law; and all Persons to whom such Mortgages shall be made, or to whom Grants of Annuity shall be made, under this Act, their respective Executors, Administrators, or Assigns, or who shall be entitled to the Money thereby secured, shall be, in proportion to the Sums in such Mortgages or Grants of Annuity respectively mentioned, Creditors on the Rates in respect of which such Mortgage or Annuity shall be granted, equally one with another, without any Preference in respect of the Priority of advancing any such Money, or the Dates of any such Mortgages or Grants of Annuities.

[Local.]

24 Y

CXXXVII. And

CXL. And be it further enacted, That in case the said Commissioners shall think it advisable to raise all or any Part of the Money for the Purposes of this Act by granting Annuities for Lives instead of Assignments as aforesaid, it shall be lawful for the said Commissioners so to do, and by Writing under their Hands and Seals to grant an Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay to the said Commissioners any Sum or Sums of Money for the absolute Purchase of an Annuity or Annuities, to be paid and payable during the natural Life or Lives of any such Contributor or Contributors, or of such Person or Persons as shall be nominated by or on behalf of such Contributor or Contributors at the Time of the Payment of his, her, or their Contribution or Purchase Money; and the Grant of every such Annuity shall be in the Words or to the Effect following:

Power to borrow Money on Annuities.

WE, being _____ of the Commissioners acting in pursuance of an Act passed in the Fifth Year of the Reign of King *William* the Fourth, intituled [*here set forth the Title of this Act*], in consideration of the Sum of _____ paid by _____ in pursuance of the said Act, do hereby grant unto the said _____ an Annuity or yearly Sum of _____ to be paid out of the Rates or Assessments to be levied and collected by virtue of the said Act, which Annuity or yearly Sum of _____ shall be paid to the said _____ or his or her Assigns, during the Term of his or her natural Life, [*or, as the Case may be, to the said _____ his or her 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 _____ the _____ Day of _____ and the _____ Day of _____ in every Year during the natural Life or Lives of him, her, or them the said _____ the first _____ Payment thereof to be made upon the _____ Day of _____ next ensuing the Date hereof. In witness whereof we the said Commissioners have hereunto set our Hands and Seals the _____ Day of _____ in the Year _____.

Form of Grant of Annuity.

And every such Grant shall be good and effectual in the Law without any Enrolment or Registry of the Memorial thereof in the High Court of Chancery or elsewhere, except as herein-after mentioned, any Law or Statute to the contrary thereof in anywise notwithstanding; and every Annuity so to be granted as aforesaid shall be and is hereby charged upon and shall be payable and paid by the Treasurer to the said Commissioners out of the said Rates or Assessments respectively according to the Grant of such Annuity.

CXLI. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and at a Rate not exceeding by _____

For preventing improvident Grants of Annuities.

made by the said Commissioners, and to agree for the Redemption thereof, upon such Terms as the Commissioners shall think proper, and to raise any Sum or Sums of Money by way of Mortgage, or by way of Annuity, as herein-before mentioned, on the Credit of the said Rates and Assessments, for the Purpose of enabling them to redeem such Annuities, or any of them, or any Part thereof respectively, so that the whole Sum to be charged on the said Rates and Assessments shall not at any one Time exceed the Sums authorized to be borrowed, raised, and charged thereon by this Act.

CXLV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, yearly and every Year, by and out of the Monies to be raised by virtue of this Act, to pay off and discharge, or to provide a Fund for paying off and discharging, One Twentieth Part at the least of all Monies due and to be borrowed under this Act.

Commissioners to pay off Part of Sums borrowed annually.

CXLVI. And be it further enacted, That all Monies to be raised, collected, or received by virtue or under the Authority of this Act shall be and the same are hereby vested in the said Commissioners; and out of the first Money arising from the several Rates which shall be collected by virtue of this Act, or out of any Money which shall be received by way of Gift or Donation, (all which Gifts and Donations the said Commissioners are hereby authorized and empowered to receive,) or which shall be borrowed on the Credit of the said Rates as aforesaid, the said Commissioners shall and they are hereby required, in the first place, to pay and discharge the Costs, Charges, and Expences of applying for and obtaining and passing this Act, together with lawful Interest for any Money advanced for that Purpose from the Time of such Advance, in such Proportion as they shall think proper, and the Interest on any Principal Money which may be borrowed in pursuance of this Act, and the Payments on the several Annuities granted under the Authority of this Act; and the Remainder of the Money collected or received under or by virtue of this Act, in relation to the lighting, watching, cleansing, and regulating the said Limits, shall be applied in defraying the Expences of lighting, watching, cleansing, and regulating the several Streets, Roads, Lanes, Ways, and other public Passages and Places within the said Limits, and of otherwise carrying this Act into execution, and to no other Use, Intent, or Purpose whatsoever.

Application of the Money.

CXLVII. And be it further enacted, That if any Person shall obstruct or assault any of the said Commissioners, or any Treasurer, Clerk, Surveyor, or other Officer or Person whomsoever appointed or employed by the said Commissioners by virtue of this Act, in the Execution or Performance of his Duty, or in the Execution of any of the Works, Matters, or Things to be done under the Authority of the same, every Person so offending shall forfeit and pay to the said Commissioners any Sum not exceeding Ten Pounds for every such Offence.

Penalty for obstructing the Execution of this Act.

[*Local.*]

24 Z

CXLVIII. And

Power to direct Prosecutions and pay Charges thereof.

CXLVIII. And be it further enacted, That it shall be lawful for the said Commissioners to direct any Prosecution at the Assizes or Quarter Sessions, or Information at the Petty Sessions for the County or Division in which the Cause shall arise, for any public Nuisance or Offence whatsoever which shall be committed or suffered within the Limits of this Act, and for or concerning any Resistance to the Execution of the Authorities of this Act, or to the Authority of any Person acting under the same, and to direct and order the Expences of such Prosecution to be paid and borne by and out of the Funds to be raised and provided as herein mentioned.

Compensation for Damages, &c. by Commissioners to be levied by Distress of the Goods, &c. vested in them or their Treasurer.

CXLIX. And be it further enacted, That when and as often as any Money shall be directed or ordered to be paid by the said Commissioners to any Person as or by way of Compensation or Satisfaction for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by such Commissioners, or by any Person acting by or under their Authority, or for any Costs or Expences relating thereto, not herein otherwise provided for and directed, and such Money shall not be paid by such Commissioners to the Party entitled to receive the same within Ten Days after Demand in Writing shall have been made for that Purpose, the Amount of such Compensation or Satisfaction, Costs or Expences, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in such Commissioners, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by any Justice of the Peace, and which Warrant such Justice is hereby authorized and required to grant under his Hand and Seal on Application made to him for that Purpose by the Party or Parties entitled to receive such Money as or by way of Compensation or Satisfaction for any Damage, Spoil, or Injury as aforesaid, or for any Costs or Expences as aforesaid; and in case any Surplus shall remain after Payment of such Money and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, such Overplus shall be returned, on Demand, to the said Commissioners or to their Treasurer for the Time being, as the Case may be; and it shall be lawful for such Treasurer to retain out of any Monies which he may have received or shall receive in pursuance of this Act all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any Warrant as aforesaid.

Damages and Charges, in case of Dispute, to be settled by Justices.

CL. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty for any Offence in this Act mentioned, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence; and such Justice or Justices is and are hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and

and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

CLI. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by or under any Bye Law, Rule, Order, or Regulation to be made in pursuance thereof, (the Manner of levying and recovering whereof is not herein-before particularly directed,) may, provided the same shall not exceed the Sum of Twenty Pounds, be recovered in a summary Way by the Order and Adjudication of Two or more Justices of the Peace, on Complaint to them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person liable to pay the same, by Warrant under the Hands and Seals of such Justices, who are hereby authorized and required to summon and examine any Witness or Witnesses upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Monies raised or recovered, after discharging the Penalty or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner of the Goods and Chattels so seized and distrained; all which Penalties and Forfeitures not herein directed to be otherwise applied shall be paid to the said Commissioners or their Treasurer, to be applied for the general Purposes of this Act, or to the Owner or Owners for the Time being of the said Market, or to the Owner or Owners for the Time being of the said Waterworks (as the Case may be), unless such Penalties and Forfeitures shall be incurred by the said Commissioners, or by the Owner or Owners for the Time being of the said Market, or by the Owner or Owners for the Time being of the said Waterworks, in which Case the same shall be paid, unless otherwise directed by this Act, to the Overseers of the Poor of the Parish in which the Penalty or Forfeiture shall be incurred, and be by them applied in aid of the Poor Rate of such Parish; and it shall be lawful for the said Justices to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the said Offender shall give sufficient Security to the Satisfaction of such Justices for his Appearance before the said Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereon to levy the said Penalty or Forfeiture and such Costs as aforesaid, and the same shall not be forthwith paid, or if it shall appear to such Justices, either by the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereon to levy such Penalty or Forfeiture and Costs as aforesaid on a Warrant of Distress being issued, such Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justices and they

For Recovery of Penalties not exceeding 20*l.*

are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Offender to the Common Gaol, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, shall be sooner paid and satisfied.

Recovery of Penalties exceeding 20*l*.

CLII. Provided also, and be it further enacted, That all Penalties and Forfeitures by this Act imposed, and being above the Amount of Twenty Pounds, shall and may be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record, at *Westminster*; and the Plaintiff or Plaintiffs, if he or they recover in any such Action, shall have his or their full Costs.

Justices may proceed by a Summons in the Recovery of Penalties.

CLIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is imposed and made recoverable by Information before any 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 and all necessary Witnesses before him, and on the Appearance of the Party complained against, or, on his Nonappearance, then upon Proof of the Service of the Summons on such Party, either personally or by leaving the same at his last or usual Place of Abode, to hear and determine the Matter of such Complaint, 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 or Justices; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was or had been exhibited.

Transient Offenders or Persons in the Act of committing any Offence, may be apprehended without a Warrant.

CLIV. And be it further enacted, That in case any Person shall be found committing any Offence against any of the Provisions of this Act, or any Bye Law, Rule, Order, or Regulation made in pursuance thereof, it shall be lawful for any of the said Commissioners, or for any of their Surveyors or other Officers or Servants, or any other Person or Persons authorized by the said Commissioners, or for the Owner or Owners for the Time being of the said Market, or for the Owner or Owners for the Time being of the said Waterworks, or for any Person authorized by them respectively, and such other Person or Persons as he or they or any of them shall call to his or their Assistance, without any Warrant or Authority other than this Act, to apprehend, seize, and detain all and every such Offender or Offenders, being unknown to such Commissioners, Collectors, Surveyors, or other Officers, Servants, or Persons, or to such Owner or Owners of the Market or of the Waterworks (as the Case may be), and forthwith take and convey or cause to be taken and conveyed him, her, or them before some Justice of the Peace, and such Justice of the Peace is hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

CLV. And

CLV. And be it further enacted, That for the more easy Conviction of Offenders against this Act any Justice before whom any Person shall be convicted of any Offence against this Act, for any Rule, Order, or Regulation made in pursuance thereof, shall and may cause the Conviction to be drawn up in the Form of Words or to the Effect following; (that is to say,)

Form of
Conviction.

‘ to wit. } BE it remembered, That on the Day
‘ of in the Year A. B.
‘ is convicted before me [or us, as the Case may be], [or
‘] of His Majesty’s Justices of the Peace for
‘ for [here specify the Offence, and when and where committed],
‘ contrary to the Statute made in the Fifth Year of the Reign of
‘ King William the Fourth, intituled [here set forth the Title of this
‘ Act]; and I [or we] do hereby adjudge that the said A. B. hath
‘ forfeited for the said Offence the Sum of . . . Given under
‘ my Hand and Seal [or our Hands and Seals] the Day and Year first
‘ above written.’

CLVI. And be it further enacted, That in all Cases where any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or receive the Affirmation of any Person before he shall be examined by or before such Justice.

General
Power to
Justices to
administer
Oaths.

CLVII. And be it further enacted, That no Inhabitant of the said Limits, or Commissioner, Treasurer, Clerk, or other Officer acting in execution of this Act, shall be deemed an incompetent Witness in any Action, Suit, or Information, Complaint, Appeal, Prosecution, or Proceeding whatsoever, to be had, made, prosecuted, or carried on under the Authority of this Act, by reason of his being rated or assessed or liable to be rated or assessed by virtue of this Act, or by reason of his filling or holding any Office under the same.

Inhabitants
and Officers
competent
Witnesses.

CLVIII. And be it further enacted, That in all Actions or Suits at Law or in Equity, and in all Proceedings under this Act, or otherwise, against or by or on behalf of the said Commissioners, and in all Arbitrations, References, and other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Three or more of the said Commissioners, although not assembled at any Meeting, to make, sign, seal, execute, and deliver such general or other Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, or discharging any Person who shall or may be produced as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said Commissioners, so as to qualify such Person to give Evidence as a Witness in any such Action, Suit, Arbitration, Reference, or Proceeding, and also to do any other Act, Matter, or Thing therein which any Plaintiff or Defendant may do in any Action, Suit, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter,

Commis-
sioners em-
powered to
grant Re-
leases to
Witnesses.

[Local.]

25 A

and

and Thing shall be as valid and effectual in all respects and to all Intents and Purposes whatsoever, as if the same were made by all the said Commissioners at a Meeting held pursuant to the Provisions of this Act.

Penalty on Witnesses summoned not attending.

CLIX. And be it further enacted, That if any Person shall be summoned by any Justice as a Witness to give Evidence before him or before any other Justice touching any Complaint for any Offence against this Act, or against any Bye Law, Rule, or Order made in pursuance thereof, whether on the Part of the Prosecutor or of the Person accused, and shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his Costs and Expences, without a satisfactory Excuse being given for such Nonappearance, or appearing shall refuse or decline to be examined on Oath (or, being a Quaker on Affirmation), or to give Evidence touching the Matter in question, before such Justice, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Informations for Offences to be laid within Six Months.

CLX. Provided always, and be it further enacted, That no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by this Act for any Offence against the same unless Information be given of such Offence within Six Calendar Months next after the committing of such Offence, except in case where any other Period is mentioned or limited in and by this Act.

Power to reward Informers.

CLXI. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall see Cause, to pay and apply such Part of any Penalty or Forfeiture as they shall think proper, not exceeding One Moiety thereof, to and for the Use of any Informer of any Offence against this Act, except where any thing is contained to the contrary in this Act.

Notices on the Commissioners, how to be served.

CLXII. And be it further enacted, That in all Cases wherein it may be necessary or requisite for any Person or Party to serve any Notice, Demand, Summons, Writ, or other Proceeding in Law or in Equity upon the Commissioners for executing this Act, personal Service thereof respectively upon any One of the Members of any Committee to be appointed in pursuance of this Act, or upon the Clerk to the said Commissioners, or in case there shall not be any such Committee appointed then upon any One of the said Commissioners, or delivering the same to some Inmate at the usual Place of Abode of any One of the Members of such Committee, or at the Office of the said Commissioners, or at the Office or Dwelling House of the Clerk to the said Commissioners, or to some Inmate at the usual Place of Abode of any One of the said Commissioners, as the Case may be, shall be deemed a sufficient Service of the same respectively upon the said Commissioners.

Declaring what shall be good Ser-

CLXIII. And be it further enacted, That in all other Cases in which it may be necessary to serve any Notice, Summons, or Demand, or any Writ

Writ or other Proceeding at Law or in Equity upon any Person or Corporation or Commissioners under this Act, personal Service thereof upon any such Person, or upon some Member of the Corporation, or upon One of the Commissioners, or upon the Clerk or other Officer of such Corporation or Commissioners, or delivering the same to some Inmate of the last known or usual Place of Abode or Business of such Person, or of such Member, Clerk, or other Officer of such Corporation or Commissioners, or at the Office of such Clerk or other Officer, shall be deemed good and sufficient Service of the same respectively upon such Person, Corporation, or Commissioners (as the Case may be), except in Cases where any other Mode of Service is by this Act particularly directed: Provided always, that every such Summons, Demand, or Notice, or other Document, requiring Authentication by the Commissioners for executing this Act, may be signed by the Clerk or Treasurer for the Time being of the said Commissioners, on behalf of the said Commissioners, and may be in Writing or Print, or partly in Writing and partly in Print.

vice on the Commissioners and others.

CLXIV. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor shall the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in any Proceeding relating thereto, or in the Appointment of any Collector, Receiver, or Agent appointed under the Authority of this Act, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which may be afterwards done by the Party distraining, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special and actual Damage, if any, sustained thereby, by an Action on the Case.

Distresses not to be deemed unlawful for want of Form.

CLXV. And be it further enacted, That no Rate nor any Proceeding made, done, or taken in pursuance of or under or by virtue of this Act shall be made void, quashed, or vacated for Want of Form only, or be removed by Certiorari or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Proceedings not void for Want of Form, or removed by Certiorari.

CLXVI. And be it further enacted, That no Action, Suit, or Information, nor any other Proceeding, shall be commenced against any Person for any Act or Thing done or omitted to be done in pursuance of or under the Authority of or colour of this Act, until Ten Days Notice in Writing shall have been given by the Party intending to commence such Action, Suit, Information, or Proceeding to the intended Defendant, nor after sufficient Satisfaction, or Tender thereof, shall have been made to the Party aggrieved, nor after Six Calendar Months from the Time when the Cause of such Action shall have arisen or been committed, or have ceased and been determined, unless otherwise particularly directed by this Act, nor unless such Action, Suit, or Information shall be brought or laid in the County or Place where the Cause of Action shall have arisen or been committed; and

Limitation of Actions, and Notice required.

and the Defendant in such Action, Suit, Information, or other Proceeding may plead specially, or may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial which shall be had thereupon, and that the Acts were done or were omitted to be done in pursuance and by the Authority of this Act; and if they shall appear to have been so done or to have been so omitted to be done (as the Case may be), or if it shall appear that such Action, Suit, Information, or Proceeding shall have been brought otherwise than as herein before mentioned, or that sufficient Satisfaction was made or tendered as aforesaid, or paid into Court, with the Leave of the Court, either before or after Issue joined in such Action, Suit, Information, or Proceeding, then the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall be nonsuited, or discontinue his Action, Suit, Information, or Proceeding, after the Defendant shall have appeared, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall have his Costs, and shall have such Remedy for the same as Defendants have for the Recovery of Costs in other Cases by Law.

Persons aggrieved may appeal to the Sessions.

CLXVII. Provided always, and be it further enacted, That all Persons and Corporations who may think themselves aggrieved by any Rate, or by any Act, Order, or Direction of the said Commissioners, and also the said Commissioners, and all other Persons and Corporations who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any thing in this Act contained or mentioned, and for which no particular Method of Relief hath been already provided, may, within Four Calendar Months next after such Rate, Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any general or adjourned Sessions of the Peace to be held in and for the County or Division in which the Cause of Complaint shall have arisen, first giving at least Ten Days Notice in Writing of their Intention to appeal, and of the Matter or Cause thereof, to the Clerk of the said Commissioners, or other the Respondent or Respondents, and within Four Days after such Notice entering into a Recognizance before some Justice, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the said Justices at such Sessions; and such Justices shall in a summary Way hear and determine the Matter and Cause of such Appeal at such general or adjourned Sessions, or may, if they think proper, adjourn the Hearing thereof to the following general or adjourned Sessions of the Peace; and the Justices may order any Money to be returned which shall have been levied in pursuance of such Order, Judgment, or Determination, and may also order such further Satisfaction to be made to the Party injured, and such Costs to be paid to the Party aggrieved by the Party aggressing, as they shall think reasonable.

Not to interfere with Turnpike Trustees, except as to

CLXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, abridge, or diminish, or to divest out of the Trustees for executing the several Acts of Parliament which relate to any Turnpike

pike Road or Roads within the Limits of this Act, any Rights, Powers, and Authorities vested in or given to the said Trustees by the same Acts or any of them; or to give to the Commissioners of this Act, or any other Person or Persons, any Rights, Powers, or Authorities with respect to any Turnpike Road within the Limits of this Act, which shall be inconsistent with the Continuance in the Trustees aforesaid of the Rights, Powers, and Authorities so vested in and given to them as aforesaid, save and except all and every the Powers and Authorities in this Act contained for laying down, altering, repairing, or removing Mains or Pipes for the Conveyance of Water or Gas; and that when and as often as it shall be necessary that the Surface of any Part of any Turnpike Road within the Limits of this Act shall be broken up or disturbed for all or any of the Purposes for which any Road or the Surface thereof is by this Act authorized to be broken up or disturbed, then, and from Time to Time in every such Case, Seven Days previous Notice thereof in Writing shall be given to the Surveyor for the Time being of the same Turnpike Road; and all Acts and Works to be done or carried on, upon, or under the same Road, pursuant to such Notice, shall be done and carried on according to the Direction of such Surveyor, if, after such Notice as aforesaid, the said Surveyor shall attend and give Direction for that Purpose.

breaking up
Roads for
laying Water
or Gas Pipes.

CLXIX. And be it further enacted, That it shall be lawful for the said Commissioners, in case they shall deem it expedient, to enter into any Composition or Agreement with the Trustees for executing an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for more effectually repairing and improving the Roads from Tunbridge Wells in the County of Kent to the Cross Ways at or near Maresfield Street, and from Florence Farm to Forest Row in the County of Sussex*, with relation to the Repair and Maintenance of any Part or Parts of the Roads comprised in the said Act, or the Situation of the Toll Gates thereon, and to pay such Sum or Sums of Money out of the Rates to be levied by virtue of this Act, and to do such other Acts and Things, as may be necessary in that Behalf.

Commis-
sioners may
compound
with Trus-
tees of Turn-
pike Roads
as to Re-
pairs, and
pay Compo-
sition out of
the Rates.

CLXX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, alter, or diminish or prejudice the Rights, Seigniories, Powers, Privileges, or Advantages of the Lord for the Time being of the Leet of the Hundred of *Rotherfield*, or of the Lord for the Time being of the Leet of the Hundred of *Washingstone*, or of the Lord or Freehold Tenants of the Manor of *Rusthall*, as defined in and by an Act of Parliament made and passed in the Thirteenth Year of the Reign of George the Second, intituled *An Act for confirming and establishing certain Articles of Agreement made between Maurice Conyers Esquire, Lord of the Manor of Rusthall in the County of Kent, and the Right Honourable William Lord Abergavenny and other Freehold Tenants of the said Manor, relating to certain Buildings and Inclosures made and erected in and upon Part of the Wastes of the said Manor, and for making the said Agreement more effectual for the*

Saving
Rights of
Lordships of
Rotherfield,
Washing-
stone, &c.

[Local.]

25 B

Purposes

Purposes thereby intended, or of any other Manorial Rights within the said Limits, but all such Royalties, Manors, Seigniories, Rights, Powers, Privileges, and Advantages shall remain and be enjoyed as fully and freely as if this Act had not been passed.

Public Act.

CLXXI. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The SCHEDULE to which the foregoing Act refers.

MARKET TOLLS, &c.

First Part.

Being a List of the Tolls payable for the following Articles and Things when exposed for Sale in Calverley Market.

	£	s.	d.
For every Quantity of Butter not exceeding Six Pounds in Weight	0	0	1
For every additional Three Pounds of Ditto	0	0	0½
For every Head of Poultry (except Turkeys and Geese), Wild Fowl, Partridge, Woodcock, Snipe, Landrail, Plover, Rabbit, Dozen of Larks or Half Dozen of Wheatears	0	0	0½
For every Turkey or Goose or roasting Pig	0	0	2
For every Hare, Pheasant, Head of Grouse, Black, Heath, or Moor Game	0	0	1
For every Number of Pigeons not exceeding One Dozen	0	0	2
For every additional Half Dozen of Ditto	0	0	1
For any Number of Eggs not exceeding One Dozen	0	0	0½
For every additional Half Dozen of Ditto	0	0	0¼
For every Quantity of Fish (except Lobsters, Crawfish, Crabs, Prawns, Shrimps, or Oysters) not exceeding Half a Bushel	0	0	3
For every Quantity of Ditto containing more than Half a Bushel and not exceeding One Bushel	0	0	6
For every additional Half Bushel of Ditto	0	0	3
For every Quantity of Lobsters, Crawfish, Crabs, Prawns, or Shrimps, not exceeding in Weight Six Pounds	0	0	2
For every additional Three Pounds of Ditto	0	0	0½
For every Quantity of Oysters or Scollops, not exceeding One Bushel	0	0	3
For every additional Half Bushel of Ditto	0	0	1½
For every Quantity of Mussels or other Shellfish not herein-before named not exceeding Two Gallons	0	0	0½
For every additional Two Gallons	0	0	0½
For every Quantity of Fruit of any Kind, whether separate or mixed, not exceeding a Bushel	0	0	6
For every additional Bushel of Ditto	0	0	3
For every Quantity of Herbs, Roots, or Vegetables, whether separate or mixed, not exceeding a Bushel	0	0	2
For every additional Bushel of Ditto	0	0	2
Dead Meat :			
For every Bullock, not exceeding	0	0	4
For every Sheep, not exceeding	0	0	1
For every Lamb, not exceeding	0	0	0½
For every Calf, not exceeding	0	0	2

	£	s.	d.
For every Hog or Pig, not exceeding - - - - -	0	0	1
For every Basket with Pieces containing One Hundred Weight or any less Quantity, not exceeding	0	0	2
From One to Two Hundred Weight, not exceeding	0	0	3
Above Two Hundred Weight, not exceeding	0	0	4
Bacon, Cheese, Salt Pork, Hams, Glass, China, Earthenware, and Crockery :			
For every Flich of Bacon when not brought in Packages, not exceeding - - - - -	0	0	3
For every Hundred Weight of Cheese, not exceeding - - - - -	0	1	0
A like Toll for any Quantity of Cheese under One Hundred Weight, and also for any Quantity of Cheese beyond One Hundred Weight or several Hundred Weights and not amounting to One Hundred Weight.			
For every Barrel of Salt Pork, and for every Hogshead, Basket, or Package of Bacon or Hams, and for every Crate of Glass, China, Earthenware, or Crockery, not exceeding - - - - -	0	1	0
For every Quarter of Wheat, Peas, Beans, and other Seeds, any Sum not exceeding - - - - -	0	0	8
For every Quarter of Barley or Oats, any Sum not exceeding - - - - -	0	0	4
For every Bag or Pocket of Hops, not exceeding - - - - -	0	0	6

Second Part.

Being the Amount of Rent payable for the Hangings of Dead Meat in the Market :

For Hangings a Rent per Week for every Foot in Length	0	1	6
And so in proportion for any less Quantity than a Foot.			

Third Part.

For every Sale Stand in the Market not exceeding One hundred Square Feet superficial a Rent per Day not exceeding - - - - -	0	2	0
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And for every Addition, not exceeding One hundred Square Feet superficial, which shall be made to any Stand beyond One hundred Square Feet superficial, a further Rent per Day not exceeding

0	2	0
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For every Stand in the Market over the Whole of which a Covering shall extend there shall be paid, in addition to the Rent herein-before authorized to be taken for such Stand, such further Rent per Day as shall not exceed One Fourth Part of the Rent per Day herein-before authorized to be taken for the same Stand.

Fourth Part.

Being the Amount of Tolls payable for the Standing in any Stable in the Market of Horses and other Beasts drawing Waggon and Carts to the Market.

For every Standing, each Time during the Whole or any Part of every Twenty-four successive Hours, of every Horse or other Beast, a Toll not exceeding - - - - -	0	0	3
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£ s. d.

Fifth Part.

For the Standing of each Bag or Pocket of Hops for every Week after the Day on which the same shall be brought, or for any less Time than a Week, not exceeding	0	0	2
For all other Goods, Wares, Merchandizes, Provisions, and every other Article whatsoever not herein-before enumerated, which shall be brought and exposed for Sale in the said Markets, and all other Accommodations, at and after the Rate of every Superficial or Square Yard taken up or occupied by such Goods, Wares, Merchandize, Provisions, or other Articles, any Sum not exceeding the Sum of	0	0	6
For every Waggon or Cart which shall be brought to the Market, and shall contain Hay, whether the same shall be sold in the Market or not, a Toll not exceeding	0	0	4
And if all or any of the Contents of such Waggon or Cart shall be sold in the Market, a further Toll for such Waggon or Cart not exceeding	0	0	2
For every Waggon or Cart which shall be brought to the Market, and shall contain Straw, Grass, or Vetches, whether the same shall be sold in the Market or not, a Toll not exceeding	0	0	3
And if all or any of the Contents of such Waggon or Cart shall be sold in the Market, a further Toll for such Waggon or Cart not exceeding	0	0	2
For every Waggon which shall be brought to the Market, and shall contain any Articles or Things except Hay, Straw, Grass, or Vetches, whether the same shall be sold in the Market or not, a Toll not exceeding	0	1	6
For every Cart which shall be brought to the Market, and shall contain any Articles or Things except Hay, Straw, Grass, or Vetches, whether the same shall be sold in the Market or not, a Toll not exceeding	0	0	10

If the Contents of any Waggon or Cart which shall be brought to the Market shall be placed or pitched on any Stand, the same Toll shall be paid for such Contents as would have been payable for the Waggon or Cart if the Contents had been exposed for Sale in such Waggon or Cart.

If any Waggon or Cart shall be brought to and remain in the Market, or the Contents thereof shall be placed or pitched, and remain on any Stand for more than One Day, such further Toll for every other Day beyond the first Day shall be paid for every such Waggon or Cart, or the Contents thereof, as shall be equal to the Toll payable for such Waggon or Cart, or the Contents thereof, for the first Day on which the same shall have been brought to Market, or placed or pitched on such Stand.

Sixth Part.

Being the Amount of Rents and Tolls payable for Waggon and Carts,
and for Stands in the Market.

	£	s.	d.
For Permission to keep for a Week, or from Week to Week, or for a Succession of Weeks, a loaded or empty Waggon or Cart standing in the Market, a Rent per Week not exceeding	0	2	6
For the standing each Time during the Whole or any Part of every Twenty-four successive Hours, of every Waggon or Cart, whether loaded or empty, a Toll not exceeding	0	1	0
This Toll shall not be demanded for any loaded Waggon or Cart which shall be brought on a Market Day, for the Sale of the Contents of such Waggon or Cart, provided such Waggon or Cart be brought on such Market Day at any Time before the Close of the Market, and be not left for more than Three Hours after such Close.			
For the Occupation of every particular Stand in the Market which shall be left for the standing of a Waggon or Cart, containing any Article or Thing, except Hay, Straw, Grass, or Vetches, a Rent by the Year for every Square Foot superficial thereof not exceeding	0	1	0
For the Occupation of every particular Stand in the Market which shall be let for the pitching and exposing for Sale of any of the Articles and Things specified in the First Part of this Schedule a Rent by the Year for every Square Foot superficial thereof not exceeding	0	1	0

Seventh Part.

For the weighing of any Article or Thing, or one entire Parcel of Things, a Toll:

If the same shall be One Draught only, not exceeding	0	0	1
But if the same shall be more than One Draught, then for each Draught not exceeding	0	0	1
For the measuring of any Article or Thing by any Measure whatsoever, a Toll each Time the Measure is filled not exceeding	0	0	0½

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