



ANNO PRIMO

VICTORIÆ REGINÆ.

Cap. lxxxv.

An Act for removing and preventing Encroachments within the City and County of *Bristol*, and for better regulating the Shipping, Rivers, Wharfs, Backs, and Quays, and the Markets within the same, and for other Purposes.

[30th *June* 1837.]

WHEREAS an Act was passed in the Twenty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for removing and preventing Encroachments, Obstructions, Annoyances, and other Nuisances within the City of Bristol and Liberties thereof; and for licensing and better regulating Hackney Coaches, Chairs, Waggon, Carts, and other Carriages, and the Owners, Drivers, and Carriers thereof respectively, and Porters and other Persons, within and for certain Distances round the said City and Liberties; and for better regulating the Shipping and Trade, and the Rivers, Wharfs, Backs, and Quays, and the Markets within the same City and Liberties, and for other Purposes:* And whereas an Act was passed in the Fifth and Sixth Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales;* and prior to the passing of the said Act the City of *Bristol* was a City and County of itself, and under the Provisions of the said

28 G. 3. c. 65.

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c. 76.

[*Local.*]

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Act

Act several Parishes, Districts, and Places are added to and included within the Metes and Bounds and now form Part of the said City and County of *Bristol*; and it would be of great Advantage and Convenience if several of the Powers contained in the said recited Act of the Twenty-eighth Year of the Reign of His said Majesty King *George* the Third were extended to the whole of the said City and County, according to its enlarged Metes and Bounds: And whereas the Purposes aforesaid may be more readily carried into execution if the said last-mentioned Act was repealed, and further and other Powers granted instead thereof; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please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 the said recited Act passed in the Twenty-eighth Year of the Reign of His said Majesty King *George* the Third shall be and the same is hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever.

Recited Act
28 G.3.c. 65.
repealed.

Bristol to be
called "The
City and
County of
Bristol."

II. And whereas prior to the passing the said Act of the Fifth and Sixth Years of the Reign of His said present Majesty the said City and County of *Bristol* was called and known by the Name and Style of "The City of *Bristol* and County of the same City," and it is expedient that the Name and Style of the said City and County should be defined; be it therefore enacted, That the said City and County, according to its Metes and Bounds as extended under the Provisions of the said last-mentioned Act, shall be and shall be called and known by the Name and Style of "The City and County of *Bristol*," and the Body Corporate named in Schedule (A.) to the said Act annexed in connexion with the said City and County shall take and bear and shall be and shall be called and known by the Name of "The Mayor, Aldermen, and Burgesses of the City of *Bristol*:" Provided always, that no Act, Order, Proceeding, Contract, Deed, or Assurance made, done, suffered, performed, or executed by the said Mayor, Aldermen, and Burgesses, or by the Council of the said City, or by any Court of Record or other Court, or by any Justice of the Peace, or by any Body Politic or Corporate, or Person whomsoever, since the passing of the said Act, shall be void or voidable by reason only of the said Mayor, Aldermen, and Burgesses, or the said City and County, or any Part thereof respectively, being called or described by any other Name or Designation.

Act to com-
prise the en-
larged Boun-
dary.

III. And be it further enacted, That all the Powers and Provisions in this Act contained shall extend and be applicable to the said City and County according to its enlarged Metes and Bounds.

Council may
do Acts of
Mayor, &c.

IV. And be it further enacted, That all Acts, Matters, and Things in and by this Act authorized or directed to be done and performed by the said Mayor, Aldermen, and Burgesses, or by the Council of the said City, shall and may be done, executed, or performed either by and in the Name of the said Mayor, Aldermen, and Burgesses, or by and in the Name of the said Council; and all such Acts, Matters, and Things so done and performed shall be deemed and taken to be the Acts of the said Mayor, Aldermen, and Burgesses, and shall be as valid and effectual

as

as if done and performed by or in the Name of the said Mayor, Aldermen, and Burgesses.

V. And be it further enacted, That all Rules, Orders, and Bye Laws, and also all Contracts, Bonds, Agreements, and Engagements made and entered into under and by virtue of the recited Act hereby repealed, shall (until the same are repealed, or the Terms or Conditions thereof fully satisfied and performed) continue in force; and all Offences against such Rules, Orders, and Bye Laws may be heard and determined, and Penalties be inflicted thereunder and recovered, in such Manner as the same would have respectively subsisted and continued in force, and as such Offences might have been heard and determined, and such Penalties inflicted and recovered, in case the said recited Act had not been repealed.

Bye Laws and Contracts, &c. under the recited Act to continue notwithstanding its repeal.

VI. Provided always, and be it further enacted, That all Rates and Duties, and all Monies, which shall have become due and payable under and by virtue of the said recited Act hereby repealed, and all Fines and Penalties which have been incurred under the same Act, and which shall respectively remain uncollected or unpaid at the Time of the passing of this Act, shall and may be collected, recovered, and enforced by the same Persons, in the same Manner, and by the same Ways and Means, as if such Rates, Duties, and Monies had become due, and as if such Fines and Penalties had been incurred, under or by virtue of this Act.

Money due under former Act may be recovered under this Act.

VII. And be it further enacted, That all Officers and Persons who at the Time of the passing of this Act shall have in their Possession or under their Control any Money, Books, Documents, Papers, Writings, or other Effects under or by virtue of any of the Provisions of the said recited Act hereby repealed, shall be liable to account for and to deliver up all such Money, Books, Documents, Papers, Writings, or other Effects to the said Council, or to such Persons as they shall appoint to receive the same, in the same Manner, and subject to the same Process, Pains, and Penalties for Refusal or Neglect, as if such Officers or Persons had been appointed and had become possessed of such Money, Books, Documents, Papers, Writings, or other Effects under the Provisions of this Act.

Officers under former Acts to account.

VIII. Provided always, and be it further enacted, That all Officers and Persons appointed under the said recited Act hereby repealed (except any Treasurer) shall enjoy their respective Offices and Employments according to the Terms of their respective Appointments, or until removed therefrom by the said Council; and all such Officers and Persons shall have the same Powers, Privileges, and Advantages, and shall be liable to the same Penalties, Obligations, Restrictions, and Regulations in every respect, as if they had been appointed under or by virtue of this Act.

Present Officers to continue in Office until removed.

IX. And be it further enacted, That the said Council shall cause to be provided and kept a proper Book, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relating to the Execution of this Act; and the Chairman of each Meeting of the said Council shall always subscribe his Name at the End of such Proceedings; and all Entries in such Book, being signed as aforesaid, shall be deemed original,

Proceedings to be entered.

original, and shall be allowed to be read in Evidence in all Causes, Suits, and Actions touching any thing done in pursuance or by virtue of this Act.

Officers to be appointed.

X. And be it further enacted, That the said Council may from Time to Time appoint and employ such Officers and Persons as and when and for such Times or Durations as they the said Council shall think proper for carrying this Act into execution; and the said Council shall and may from Time to Time remove them or any of them, and in like Manner appoint others in the Room of those removed, or who shall die, or who shall refuse or decline such Offices, or become incapable of acting therein, and fix and determine what Salaries, Wages, or Allowances shall be paid to the said Officers and Persons, as they the said Council shall think reasonable; and the said Council are hereby authorized and empowered to take such Security from every such Officer and other Person who shall be intrusted with the Receipt or Collection of any Money under or by virtue of this Act, for the faithful Discharge of his Office, as they the said Council shall think proper.

Same Person not to be Clerk and Treasurer.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Council 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 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 Council 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.

Penalty on Officers taking any Fee or Reward besides the Salary,

XII. And be it further enacted, That if any Officer or Person who shall be in anywise employed by the said Council in putting this Act or any of the Powers thereof into execution shall exact, take, or accept by any Way or Means any Fee, Profit, or Reward whatsoever (other than such

such as they are respectively empowered to receive or collect under the Authority of this Act, and also such Salaries, Wages, and Allowances as shall be fixed and determined by the said Council) for or on account of any thing done or to be done by virtue of this Act, or on any Account whatsoever, relative to putting or for abstaining to put the same into execution, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

XIII. And be it further enacted, That all such Officers and Persons so to be appointed and employed as aforesaid shall, under their Hands (at such Time or Times and in such Manner as the said Council shall direct), deliver to the said Council, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Monies which shall have been received by such Officers and Persons respectively by virtue or for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the Vouchers and Receipts for such Payments, and shall pay all such Money as shall remain due from them respectively to the Treasurer of the said City and County; and if any such Officer or Person shall refuse or wilfully neglect to make and render such Accounts, or to produce or deliver up the Vouchers relating to the same in his Possession or Power, or to make Payment as aforesaid, or shall refuse or neglect to deliver to the said Council or to such Person as they shall appoint to receive the same, within Ten Days after being thereunto required by or on behalf of the said Council by Notice in Writing to be given to or left at the last or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give Information and Satisfaction to the said Council or to such Person as aforesaid respecting the same, then and in every such Case, upon Complaint made by the said Council, or by any Person whom they shall appoint for that Purpose, of any Neglect or Refusal as aforesaid, to any Justice of the Peace for the County, City, Town Corporate, or Place wherein such Officer or Person so neglecting or refusing shall reside or be, such Justice may and he is hereby authorized and required to summon the Officer or Person so refusing or neglecting before him, and upon his appearing, or having been summoned by Notice given to him or left with some Inmate of his last known or usual Place of Abode, and not appearing or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath, it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Person, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if it shall appear to such Justice that such Officer or Person shall have refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto in his Possession or Power, or that any Books, Papers, or Writings relative to the Execution of this Act shall be in the Custody or Power of such

[Local.]

Officer or Person, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, Town Corporate, or Place wherein such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Council for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Council are hereby empowered to make and receive,) and until he shall have delivered up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Council: Provided always, that no Person who shall be committed by virtue of this Act on account of his not having sufficient Goods or Chattels shall be detained in Prison for any longer Term than Six Calendar Months: Provided also, that if any Money shall remain due from such Officer or Person, the Commitment of him to Prison shall not be deemed a Discharge for the same, nor exonerate his Surety, but such Surety, and the Estate and Effects of such Officer or Person, shall remain liable to the Payment thereof, in the same Manner as if such Officer or Person had not been committed to Prison.

In case an
Officer dies
his Executors
to deliver up
Books, &c.

XIV. And be it further enacted, That in case of the Death of any such Officer or Person before he shall have paid and fully satisfied the Monies which he shall have received by virtue of his Office or for the Purposes of this Act, then and in every such Case the Executors or Administrators of such Officer or Person so dying shall, in a due Course of Administration, pay and satisfy the same out of the Estate and Effects of such Officer or Person to the said Council, or to such Person as they shall appoint to receive the same, in like Manner as other Debts are directed by Law to be discharged by such Executors or Administrators, and shall also deliver up all Books, Papers, Writings, and other Things concerning his Office or relating to the Execution of this Act which shall have come to the Hands of such Executors or Administrators; and in case of the Nondelivery of such Books, Papers, Writings, and Things for the Space of Twenty-one Days after Demand made thereof in Writing by or on behalf of the said Council, it shall be lawful for the said Council to commence and prosecute an Action in any of His Majesty's Courts of Record at *Westminster* against such Executors or Administrators for the Recovery of Damages for the Detention of such Books, Papers, Writings, and Things, in which Action full Costs of Suit shall be recoverable by the said Mayor, Aldermen, and Burgesses; or otherwise, in case of Nondelivery of such Books, Papers, Writings, and Things for the Space of Ten Days after Demand made as aforesaid, then upon Complaint made by the said Council, or by any Person whom they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace for the County, City, Town Corporate, or Place wherein the Executors or Administrators of such Officer or Person so neglecting or refusing to deliver up such Books, Papers, Writings, and Things as aforesaid shall reside or be, such Justice may and he is hereby authorized and required to summon the Executor or Administrator so refusing or neglecting before him, and upon his appearing, or having been summoned and not appearing, or not being to be

found, to hear and determine the Matter in a summary Way ; and if, upon the Confession of the Party or by the Testimony of any credible Witness upon Oath it shall appear to such Justice that any Books, Papers, Writings or Things relating to the Execution of this Act shall be in the Custody or Power of such Executor or Administrator, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same, then and in every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, Town Corporate, or Place wherein such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have given up such Books, Papers, Writings, and Things, or have given Satisfaction in respect thereof to the said Mayor, Aldermen, and Burgesses, or to such Justice.

XV. And be it further enacted, That it shall be lawful for the said Council from Time to Time to cause to be taken down and removed all or any Posts, Rails, Pales, Fences, or other Impediments in or adjacent to the Roads, Streets, Ways, Lanes, or other public Passages or Places, or any of them, within the said City and County, which the said Council shall judge to be a Nuisance or Obstruction to Passengers, Horses, or Carriages ; and also from Time to Time to cause all and every or any of the Penthouses, Porches, Bulks, Bulk Heads, Dung Holes, Coalholes, Sheds, Dripping Eaves, Palisades, Rails, Posts, Fences, Steps, Cellar Windows, Cellar Doors, Hatchways, Gratings, and other Obstructions and Projections whatsoever, and of what Nature or Kind soever, which are already erected, affixed, set up, laid down, or being against or in front of or belonging to any Messuages, Buildings, Lands, Tenements, or Hereditaments whatsoever in or adjacent to any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places, and which in the Judgment of the said Council shall be considered public Annoyances or Nuisances by reason of their projecting into or encroaching upon or otherwise obstructing, annoying, or endangering the public Passage along any of the aforesaid Roads, Streets, Ways, Lanes, or other public Passages or Places, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed by the said Council or any other Person acting under their Authority in such Manner as shall be thought most proper and expedient by the said Council ; they the said Council nevertheless first causing Fourteen Days Notice in Writing under the Hand of the Town Clerk or Treasurer of the said City and County for the Time being to be given to the respective Owners or Occupiers of such Messuages, Buildings, Lands, Tenements, or Hereditaments, of their Intention to take down, fill up, remove, alter, or reform such Obstructions or Projections respectively, and causing as little Damage to be done in effecting every such Removal or Alteration as the Nature of the Case will allow : Provided always, that the said Council shall and they are hereby required, by and out of the Borough Fund for the said City and County, to make reasonable Satisfaction and Compensation to the several Owners and Occupiers of such Messuages, Buildings, Lands, Tenements, or Hereditaments for any Damage or Injury which shall be done thereto in consequence of such Removal or Alteration as aforesaid ; and if the said Council and such Owners and Occupiers cannot agree as to the Sum to be paid by the said Council, the Amount thereof shall be ascertained, fixed, and determined by any Two or more Justices of the Peace for the said City and County, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and determine

Existing Projections, Nuisances, and Annoyances may be removed.

determine and settle the Amount of Compensation which shall be payable by the said Council.

Occupiers to
remove
future Pro-
jections.

XVI. And be it further enacted, That the several Owners or Occupiers of all Messuages, Buildings, Lands, Tenements, or Hereditaments which are now or hereafter may be situate in or adjacent to the said Roads, Streets, Ways, Lanes, or other public Passages or Places, and every of them, are hereby authorized and required, at their own respective Costs and Charges, within Thirty Days next after their respectively receiving Notice in Writing from the said Council under the Hand of the said Town Clerk or Treasurer in that Behalf, to cause all and every the Penthouses, Porches, Bulks, Bulk Heads, Dungholes, Coalholes, Sheds, Dripping Eaves, Palisades, Rails, Posts, Fences, Steps, Cellar Windows, Cellar Doors, Hatchways, Gratings, and other Obstructions and Projections whatsoever within the said City and County which shall in future be erected, set up, affixed, laid down, or be against or in front of or belonging to their respective Messuages, Buildings, Lands, Tenements, or Hereditaments, and which in the Judgment of the said Council shall be considered public Annoyances or Nuisances by reason of their projecting into or encroaching upon or otherwise obstructing, annoying, or endangering the public Passage along any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed, in such Manner as shall be directed by the said Council; and in case the Owner or Occupier of any such Messuage, Building, Land, Tenement, or Hereditament as aforesaid shall neglect or refuse to cause any such Penthouse, Porch, Coalhole, Bulk, Bulk Head, Dunghole, Shed, Dripping Eave, Palisade, Rail, Post, Fence, Step, Cellar Door, Cellar Window, Hatchway, Grating, or other Projection or Obstruction whatsoever which shall in future be so erected, set up, affixed, laid down, or lie against or in front of or belonging to such Messuage, Building, Land, Tenement, or Hereditament, and which shall be considered an Annoyance or Nuisance as aforesaid, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Council to cause the same to be forthwith done by some Person acting under their Authority; and the Costs and Charges attending the same, having been ascertained by Two or more Justices of the Peace for the said City and County, shall and may be recovered from the Owner or Occupier of such Messuage, Building, Land, Tenement, or Hereditament, in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered, and when received the same shall be paid to the Treasurer of the said City and County; and it shall be lawful for the Occupier of any Messuage, Building, Land, Tenement, or Hereditament, being a Tenant at Rack Rent, and having either paid such Costs and Charges in the first instance, or having repaid the same to the said Mayor, Aldermen, and Burgesses, to deduct and retain the Amount thereof out of his Rent; and the Proprietor or Landlord of every such Messuage, Building, Land, Tenement, or Hereditament so held at Rack Rent is hereby required to allow the same accordingly, except only in Cases where the Encroachment, Obstruction, Annoyance, or Nuisance so removed or altered shall have been originally occasioned by such Occupier, in which Case he shall bear the Expences of altering or removing the same.

XVII. Pro-

XVII. Provided always, and be it further enacted, That no Act or Proceeding shall be done or performed by the said Council in relation to the Removal, Alteration, or Reformation of any of the Obstructions, Projections, Annoyances, or Nuisances herein-before mentioned, unless such Act and Proceeding respectively shall be authorized, sanctioned, and approved of by Two Thirds at the least of the Members of the Council who shall be present at any Meeting of the Council at which such Act or Proceeding shall be taken into consideration.

No Act to be done by the Council as to Removal of Obstructions unless sanctioned by Two Thirds of the Council.

XVIII. And be it further enacted, That if any Person shall, upon, over, or along any Footway or Foot Pavement within the said City and County, run, draw, drive, carry, or take any Truck, Wheel Sledge, Wheelbarrow, Bier, Handbarrow, or Carriage whatsoever; or shall roll any Cask or Tub (except for the Purpose of taking the same across such Way or Pavement from or into any House or Premises); or shall wilfully ride, lead, or drive any Horse, Ass, or Mule, or any other Beast or Cattle, upon any such Footway or Foot Pavement; or shall tie or fasten any Horse or other Cattle to any House, Outhouse, Wall, Fence, Post, Tree, or Railing whatsoever across or adjoining to any such Footway or Pavement; or shall in or upon any such Footway or Foot Pavement, or in or upon any public Road, Street, Square, Way, Lane, or other public Passage or Place within the said City and County, set or place or expose for Sale, or cause, permit, or suffer to be set or placed or exposed for Sale, any Meat, Fruit, Vegetables, Fish, Goods, Chattels, Provisions, Furniture, Wares, or Merchandize, or any Article, Matter, or Thing whatsoever; or set any Cask, Tub, Pail, Bucket, Stool, Bench, or any Article, Matter, or Thing whatsoever (except as herein is authorized); or shall hang up any Harness, Saddle, or other Furniture of Horses or other Animals for the Purpose of cleansing or drying the same, or for any other Purpose; or shoot or cast thereon any Coals, Wood, or other Articles, and suffer the same to remain longer than is necessary for the Removal or housing thereof; or shall beat any Carpet, Mat, Rug, or other Articles therein or thereon; or shall erect or 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 on the said Roads, Streets, Footways or Pavements; or shall in any of the said Roads, Streets, Squares, Ways, Lanes, or other public Passages or Places burn, fire, scald, dress, cleanse, or hoop any Cask, or empty any of the Contents, Dregs, or Refuse of any Cask or other Vessel; or shall therein or thereon wash or clean any Carriage whatsoever, or shoe, bleed, dress, or clean, or turn or drive loose uncontrolled, any Horse, Ass, Mule, or other Animal therein or thereon, or shall exercise any Horse with or without any Carriage or Break in any of the said Streets, Squares, or Lanes within the said City and County; or if the Driver of any Waggon, Cart, Sledge, or other Carriage within the said City and County shall ride on the Shaft, or shall, without proper and sufficient Reins to guide the Horse or Horses drawing the same, ride in or upon any Part of such Carriage, or on any of the Horses or Cattle drawing the same; or if any Person shall drive any Cattle, or ride or drive any Horse or other Beast or Animal, or any Carriage whatsoever, within the said City and County, in a furious or improper Manner; or shall not, in riding or driving any Horse or other Beast-or Animal, or any Carriage whatsoever, and meeting any other Carriage, keep the same Horse, Beast, Animal, or Carriage, where practicable, on the Left or Near Side of the

For preventing Nuisances, &c.

Street or Road, or shall wilfully or carelessly prevent any other Person, or any Carriage, Horse, Beast, or Animal under his Care, from passing him; or shall in any of the said Roads, Streets, Squares, Ways, Lanes, or other public Passages or Places (except during the Periods of holding the Fairs within the said City and County, and then only in such Places as shall be appointed for the holding of such Fairs) show or expose for Sale or for Exhibition any Horse, Mule, Ass, Sheep, Cattle, Swine, or other Beast, or exhibit or place for Exhibition in any Caravan or other Carriage or in any other Manner any public Show; or shall permit or suffer any Horse, Mule, or Ass, either in or out of a Carriage, to stand or be exposed for Hire in any Part of the said City and County (except in such Places as the said Council shall from Time to Time direct and appoint); or turn loose or suffer to be at large within the said City and County any Bull Dog, Mastiff, or ferocious Dog of any other Species, not being muzzled; or permit or suffer any Dog whatsoever to go at large within the said City and County after any public Notice in Writing given by any Two Justices of the Peace for the said City and County (and which Notice the Justices are hereby authorized and empowered to give), and affixed on the principal front Doors of the Guildhall and Council House in the said City, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicions of the Existence of Canine Madness (and which said Dogs so at large within such Period the said Justices are hereby authorized to order and direct to be destroyed, and it shall be lawful for any Person in pursuance of such Order to destroy such Dogs accordingly); or shall drive or act as the Driver of any Caravan, Waggon, Cart, or any such Carriage not having the Owner's Name painted and remaining thereon in such Manner as may be required by any Act of Parliament relating to the Highways in that Part of *Great Britain* called *England* that may be in force for the Time being; or if any Person shall leave or suffer to stand or continue in any of the said Roads, Streets, Squares, Ways, Lanes, or other public Passages or Places any Waggon, Cart, Dray, or other Carriage of the like Description, either loaded or unloaded, or with or without Horses, or any Truck or Wheelbarrow, for any longer Time than for the necessary loading or unloading, and except whilst the same shall be loading or unloading, or in case the same shall not during such Time be placed so as to interrupt the public Passage as little as possible; or shall permit or suffer any Coach, Chaise, or other such Carriage travelling for Hire (except Hackney Coaches and other Carriages plying for Hire as herein directed) to stand in any of the said Roads, Streets, Squares, Ways, Lanes, or other public Passages or Places for a longer Time than shall be necessary for taking up and setting down Passengers or Travellers with their Luggage; or shall therein or thereon, to the Annoyance of any Passenger or Inhabitant within the said City and County, trundle any Hoop, or play at any Game, or fly any Kite, or blow any Trumpet or Horn, or sound any Bell (except the public Bellman), for the Purpose of announcing the Sale of any Article or Thing whatsoever; or shall therein or thereon make any Bonfire, or let off or fire any Cracker, Squib, or other Firework, or fire or let off any Gun, Pistol, or other Fire-arms; or if any Person shall obstruct or impede the Passage along any Footway or Foot Pavement in the said Roads, Streets, Ways, Lanes, or other public Passages or Places; or if any Person shall, in or over any of the said Roads, Streets, Squares, Ways, Lanes, or other public Passages or Places, place or hang any Flower Pot, Basket, Stand, Box, or any other Article on the Outside of any Window or House, or on any
Wall

Wall or Railing, without securing the same by some safe and secure Guard or Fence or other Means so as effectually to prevent the same from falling, or from any Water dropping therefrom on or annoying any Passenger ; or place or erect any Pole or Line projecting from any Window, Parapet, or other Part of any Dwelling House or other Place, and extending into and over or across any of the said Roads, Streets, Squares, Ways, Lanes, or other public Passages or Places ; or shall suspend or hang thereon any Bed Clothes, Linen, Woollen, Wearing Apparel, or any other Matter or Thing ; or if any Butcher or other Person whosoever shall kill any Animal, or singe, scald, dress, or cut up any Carcass, either wholly or in part, in or on any of such Roads, Streets, Squares, Ways, Lanes, or other public Passages or Places, or cause or permit any Blood to run or be thrown from or out of any House, Slaughterhouse, Shop, or Shambles, or sell or offer or expose for Sale within the said City and County any unwholesome Fish, Poultry, Meat, or other Provisions ; or if any Person shall indecently expose his Person, or shall write or describe any obscene or indecent Language or Figure on any Wall, Door Post, Pavement, or public Place within the said City and County, or post or distribute therein any indecent or obscene Handbill, Notice, or Placard, or expose, sell, or distribute any indecent or obscene Print, Ballad, or Pamphlet, or affix any Post Bill or other Paper to or against any Dwelling House, Wall, 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 whatsoever ; or if any Person whosoever shall throw, cast, or convey, or cause to be thrown, cast, or conveyed, any Dirt, Dust, Dung, Cinders, Ashes, Rubbish, Filth, or Soil, or any Animal or Carcass, or any noxious or offensive Materials or Ingredients, or any Substance whatsoever, into any of the said Roads, Streets, Ways, Lanes, or other public Passages or Places, or into the Rivers *Avon* or *Frome*, or into the new Course or Channel of either of such Rivers, or into any Part of the Floating Harbour, Docks, or Basins, or into any Brook, Pond, Pool, or Reservoir for Water within the said City and County ; or place, deposit, or keep any Nightsoil, or Emptyings, Cleansings, or Filth taken from any Privy, Drain, or Cesspool, or the Refuse, Offal, Garbage, Filth, or Sweepings of any Slaughterhouse, or any Soap Lees, Ammoniacal Liquor, or any other noisome or offensive Matter whatsoever, in or upon any open or inclosed Ground within the Distance of Two hundred Yards from any Dwelling House within the said City and County, to the Annoyance of any Inhabitant of the said City and County, otherwise than during the Time of the same being removed ; or shall commit any other Kind of Obstruction, Nuisance, or Annoyance whatsoever in any of such Streets, Squares, Lanes, Ways, public Passages or Places ; each and every such Person so offending in any such Case, or the Owner or Proprietor of any such Horse, Cart, Cattle, Dog, Carriage, Goods, Matter, or Thing aforesaid, as the Case may be (in any of such Cases where the Person actually offending cannot be found or discovered), shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings ; and for facilitating the Abatement of the Nuisances herein-before enumerated it shall be lawful for any Constable or other Peace Officer of the said City and County to seize, and for any other Person to assist in seizing, any such Truck, Wheel Sledge, Wheelbarrow, Bier, Handbarrow, Cask, Tub, Pail, Bucket, Stool, Bench, Meat, Fruit, Vegetables, Fish, Provisions, Harness, Saddles, or other

other Furniture for Horses, Goods, Chattels, Wares, Merchandize, or other Things, Coach, Chaise, Waggon, Cart, Caravan, or other Carriage, together with the Horses, Asses, Mules, or other Animals, whether drawing or not drawing the same, and drive, take, or remove, or cause the same to be driven, taken, or removed, to some secure Pound or Place, and the same there to be detained and kept until the Owner thereof, or his known Servant, shall pay to the Person in whose Custody the same shall be the Penalty thereby incurred, when the same shall be ascertained, together with the Costs and Charges of removing the same, and of maintaining and keeping such Horses, Asses, Mules, or other Cattle as aforesaid; and in case the same shall not be claimed, and the said Penalty and Charges paid, within the Space of Seven Days next after such Penalty shall have been fixed and ascertained, the same shall be sold by public Auction or private Contract by or under the Order of any Justice of the Peace for the said City and County; and the Money arising therefrom shall be applied in discharge of such Penalty and Charges, and of the Expences attending such Sale, and the Residue thereof (if any) shall be paid into the Hands of the Treasurer for the Time being of the said City and County, to be paid by him to the Owner thereof, upon Demand; or it shall be lawful for any such Constable or Peace Officer, and without any Warrant or other Authority whatsoever, to seize and apprehend any such Offender as aforesaid, being unknown to such Constable or Peace Officer, and forthwith to convey him before some Justice of the Peace for the said City and County, in order to his Conviction for such Offence; provided that in case any such Seizure as aforesaid shall appear to the Justice before whom the Complaint shall be preferred to have been illegally made, then and in every such Case it shall be lawful for every such Justice to direct such a Compensation to be made to the Party injured as he shall see proper, and in default of Payment to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Party making such illegal Seizure.

Regulations
as to empty-
ing Privies.

XIX. And be it further enacted, That if any Person shall at any Time cause any Sewer, Gout, Privy, Reservoir, or Necessary House within the said City and County to be emptied (except between the Hours of Ten of the Clock in the Night and Six of the Clock in the Morning), or shall lay or cause to be laid the Soil thereof in any exposed Place within the said City and County, to the Annoyance of any Inhabitant thereof, or shall wilfully or negligently spill or throw down any such Soil in any of the said Roads, Streets, Squares, Ways, Lanes, or other public Passages or Places, every Person offending in any of the Cases aforesaid shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

For im-
pounding
Cattle suf-
fered to
stray.

XX. And be it further enacted, That if any Horse, Bull, Ox, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Cattle shall be found straying in any of the Roads, Streets, Squares, Ways, Lanes, or other public Passages or Places within the said City and County, the Owner thereof shall, for every such Horse, Bull, Ox, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Head of Cattle, forfeit and pay any Sum not exceeding Five Shillings; and it shall be lawful for any Officer or other Person appointed by the said Council, or for any Constable of the said City and County, to impound any such Horse, Bull, Ox, Cow, Ass,
Mule,

Mule, Swine, Sheep, Goat, or other Beast or Cattle found straying as aforesaid in any Pound such Council may provide (and which they are hereby authorized and empowered to provide and maintain within the said City and County), or in any other public Pound in the same City and County, and to detain the same in such Pound until the said Penalty, and the Expence of impounding, feeding, and keeping the same in the Pound, shall be fully paid and satisfied; and if in any such Case the said Penalty and Expences shall not be paid within Seven Days after such Horse, Bull, Ox, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Cattle shall be so impounded, it shall be lawful for any Person who shall be appointed by any Two Justices of the Peace for that Purpose, or for any Constable of the said City and County, to sell or cause the same to be sold either by public Auction or private Contract; and the Costs and Charges of impounding, feeding, and keeping such Horse, Bull, Ox, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Cattle in Pound, and of selling the same, and the said Penalty, shall be defrayed by and out of such Sale, and the Overplus (if any) of the Monies arising by such Sale shall be paid to the Owner of the said Horse, Bull, Ox, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Cattle, upon Demand: Provided always, that whether such Horse, Bull, Ox, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Cattle so found straying shall be impounded as aforesaid or otherwise, the Owner thereof shall nevertheless forfeit and pay for every such Horse, Bull, Ox, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Head of Cattle so found straying as aforesaid the said Sum not exceeding Five Shillings.

XXI. And be it further enacted, That in case any Person shall release or attempt to release any Horse, Bull, Ox, Cow, Ass, Mule, Swine, Sheep, Goat, or other Beast or Cattle, or any other Matter or Thing which shall be seized for the Purpose of being impounded under the Authority of this Act, either before or after 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 shall attempt to rescue or release any Distress or Levy which shall be made under the Authority of this Act, every Person so offending shall, upon Conviction thereof before any Two of His Majesty's Justices of the Peace for the said City and County, either upon Confession of the Party offending or upon the Oath of One credible Witness, and which Oath the said Justices are hereby authorized and empowered to administer, forfeit and pay, in addition to Compensation for actual Damage committed, any Sum not exceeding Five Pounds.

Penalty for Pound-breach.

XXII. And be it further enacted, That the several and respective Occupiers of all Houses and other Buildings, and the Owners or Proprietors of all unoccupied Houses or other Buildings, with the respective Yards, Gardens, Pleasure Grounds, or other Appurtenances next adjoining the several Streets, Squares, Ways, Lanes, and other public Passages and Places within the said City and County, the Churchwardens and Chapelwardens of every Church or Chapel, the Owner of every Dead Wall and other Fences and vacant Pieces of Land (Land used as Arable, Meadow, or Pasture, or as a Nursery for Trees always excepted), the Deacon, Steward, Manager, Treasurer, and Minister of every Meeting House or Place of Public Worship, or any One or more of them, and the Person

Occupiers of Houses to sweep Footways.

[Local.]

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who

who for the Time being shall be the ostensible Director or Manager of every Hospital, School, Theatre, or other public Building respectively situate or being next adjoining the same several Streets, Squares, Ways, Lanes, and other public Passages and Places within the said City and County, shall and they are hereby required to cause the Footpaths or Foot Pavements along the same on every Day (*Sundays* excepted), before the Hour of Ten of the Clock in the Morning, to be well and sufficiently swept along the whole Length of the Front of their respective Houses, Buildings, and Premises aforesaid (except as aforesaid), and to the full Extent of the said Footpaths or Foot Pavements before, behind, and on the Side or Sides of the same respectively; and every such Occupier or other Person as aforesaid making default therein shall for every such Offence forfeit and pay any Sum not exceeding Five Shillings.

When any Building is presented as ruinous the same to be properly screened.

XXIII. And whereas Houses, Walls, and Buildings within the said City and County are often, either from litigated Titles thereto, or the Obstinacy, Neglect, or Poverty of the Owners thereof or of the Parties interested therein, or from some other Cause, in so ruinous a Condition that the Inhabitants thereof and Passengers thereby are in Danger of their Lives or Limbs from the falling thereof, or of the Bricks, Stones, or Timber therefrom; be it therefore enacted, That on any Information signed by Four or more Householders living near to any House, Wall, or Building within the said City and County, or by any Surveyor of Buildings and Party Walls within the said City, that such House, Wall, or Building is in a ruinous and dangerous Condition, it shall be lawful for any Two Justices of the Peace for the said City and County to cause a Survey to be made by Two Surveyors or able Workmen, and if upon such Survey it shall be certified that the said House, Wall, or Building is dangerous and ruinous, it shall be lawful for the said Council and they are hereby required, on Notice of any such Presentment being made and a Copy thereof being laid before them, to cause with all convenient Speed a proper and sufficient Hoard to be put up for the Safety of all Passengers passing thereby, and to cause Notice in Writing to be given to the Owner or other Person interested therein, if he can be found, and if not, to cause such Notice in Writing to be affixed to or upon the Door or other notorious Part of such House, Wall, or Building so presented to be in such ruinous Condition, to repair or pull down the same, as the Case may require, within Fourteen Days then next ensuing; and if such Owner or other Person interested in any such House, Wall, or Building do not begin to repair or take down the same within the said Fourteen Days after such Notice so given or affixed as aforesaid, and complete such Repairs or take down the same as soon as the Nature of the Case will admit, then, a Declaration being made before any Justice of the Peace for the said City and County of such Notice having been so given or affixed as aforesaid, the said Council, by and out of the Monies in the Hands of the Treasurer of the said City and County, are hereby authorized and required with all convenient Speed to order and cause such House, Wall, or Building so presented to be in a ruinous Condition, or so much thereof as the said Council may find necessary for the Safety of Passengers, to be taken down and secured in such Manner as shall from Time to Time be requisite, and to sell and dispose of such of the Materials as the said Council shall judge necessary and expedient, and out of the Monies arising from the Sale thereof to reimburse, repay, and satisfy

to the Treasurer, and every Person employed for the Purposes aforesaid, all the Costs and Charges of such Survey and Presentment, and putting up every such Board, and of taking down and securing all or any Part of every such House, Wall, or Building so taken down or secured as aforesaid, and of selling the said Materials as aforesaid, or so much thereof as the Monies arising by such Sale will extend to pay, and shall account for and pay the Surplus of the Monies arising by such Sale (if any be) to the Owner of every such House, Wall, or Building, upon Demand thereof made by such Owner to the said Treasurer; and if no such Demand be made, then such Overplus shall be added to the Borough Fund of the said City and County: Provided nevertheless, that any such Owner, his Executors or Administrators, shall and may at any Time or Times within the Term of Six Years then afterwards be entitled to have and receive such Overplus from the said Treasurer for the Time being of the said City and County within Ten Days after Demand thereof made by such Owner, his Executors or Administrators, and every such Treasurer is hereby required to pay the same accordingly out of the said Borough Fund; and if it shall happen that the Money arising by such Sale shall fall short and is deficient to repay and satisfy all such Costs and Charges, then such Deficiency shall from Time to Time be paid by the Owner of every such House, Wall, or Building, if known and to be met with; and if such Owner, on Demand thereof, shall neglect or refuse to pay the same, then such Deficiency may be levied by Warrant under the Hand and Seal of any Justice of the Peace for the said City and County by Distress and Sale of the Goods and Chattels of such Owner, if any such can be found; and if no such Owner can be met with, or being met with shall not, on Demand, pay the said Deficiency, and no sufficient Distress of his Goods and Chattels can be met with wherefrom such Deficiency of such Costs and Charges may be levied and recovered, then the Person who shall at any Time thereafter occupy any such House or Building, or the Ground where the same or any Wall stood, is and are hereby required and authorized to pay and deduct the same out of the Rent thereof; and if he neglect or refuse to pay such Deficiency of Charges, then the same shall, by Warrant under the Hand and Seal of any such Justice, be levied by Distress and Sale of the Goods and Chattels of any such Occupier of the Premises, together with the Costs of every such Distress and Sale; and the Owner of the Premises is hereby required to allow to every such Occupier all such Deficiencies and Charges which he shall so pay, or which shall be recovered or levied by Distress and Sale from him as aforesaid, out of any Rent which shall become due for the said Premises or any Part thereof; and every Occupier paying any such Deficiency and Charges shall be acquitted and discharged for so much Money as he shall so pay, in the same Manner as if the same had been actually paid to such Person to whom his Rent was due and should have been paid.

XXIV. And be it further enacted, That when by reason of the erecting, building, altering, or enlarging any House, Wall, or Building within the said City and County any of the Roads, Streets, Ways, Lanes, or other public Passages or Places shall or may be in any Manner obstructed or rendered dangerous or unsafe, the Owner or Occupier of every such House, Wall, or Building shall, on his own Ground, well and sufficiently at his own Expence fence in and inclose the same before any Part

Inlosures to be made before Houses are built or repaired.

Part of such Work shall be commenced, and shall so continue the same during the Time such Works shall be carried on; and if any Owner or Occupier shall neglect or omit to fence in and inclose the same as aforesaid, he shall for every Day of such Neglect or Omission forfeit and pay any Sum not exceeding Ten Shillings: Provided always, and if any such Owner or Occupier shall be desirous of inclosing and using during the Continuance of any such Works any Portion of any Road, Street, Way, Lane, or other public Passage or Place within the said City and County, for making Mortar, or for depositing or working Stones, Bricks, or other Materials, it shall be lawful for such Owner or Occupier (having first obtained the Consent of the said Council or any Officer by them authorized to give such Consent) to inclose and use so much of such Road, Street, Way, Lane, or other public Passage or Place, and for such Period, as shall be expressed in such Consent, leaving convenient Room for Carriages to pass and repass in every such Road and Street, and also making a convenient Footway separated therefrom, to prevent Accidents arising to Passengers and Carriages, every such Owner or Occupier removing the same Fence, and also the Rubbish to be occasioned thereby, within such Time as shall be allowed by the said Council or their Officer as aforesaid; and if any such Person who shall so erect or set up any such Fence extending over any Portion of any such Road, Street, Way, Lane, or other public Passage or Place as aforesaid shall not remove such Fence and Rubbish within the Time limited as aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings for every Day such Omission or Neglect shall continue.

Openings in
Streets to be
fenced.

XXV. And be it further enacted, That if at any Time any Opening shall be made in any Road, Street, Square, Lane, Way, or other public Passage or Place within the said City and County, for the Repair of the same, or for any other necessary Purpose whatsoever, the Person employed therein or causing such Opening to be made shall at his own Expence cause such Opening to be properly fenced or guarded, and shall cause a sufficient Light to be affixed and continued in or near the same from Sunset to Sunrise, for preventing Accidents to Passengers, Cattle, and Carriages; and if any Person employed in making such Opening or who caused the same to be made shall neglect or omit to fence or guard the same, and to fix and continue such Light as aforesaid, he shall for every such Offence forfeit any Sum not exceeding Forty Shillings.

Coverings to
be made to
Cellars, &c.

XXVI. And be it further enacted, That when any Opening shall be made in the Paving or Pitching of any of the Roads, Streets, Squares, Ways, Lanes, or other public Passages or Places within the said City and County, for the Purpose of conveying Coals or other Things into any Vault or Cellar under the same, or for the Purpose of admitting Light into any Room, Chamber, or Cellar, the Covering or Grating to such Opening shall be made at the Expence of the Person or Persons requiring the same, and shall be made of Iron or such other Materials, and laid or set in a Curb or Iron Frame of such Dimensions and in such Manner and Form as the said Council, or any Officer by them authorized for that Purpose, shall direct and approve of; and such Grating or Covering shall from Time to Time be repaired, varied, and altered at the like Expence of the Person for whose Use and Benefit the same shall be possessed or enjoyed, and in such Manner and Form as the said Council or such
Officer

Officer shall direct or appoint; and in case any Person shall cause any such Grating or Covering to be made, repaired, varied, or altered, or shall neglect or refuse to make, repair, vary, or alter such Grating or Covering, contrary to such Direction or Appointment as aforesaid, or shall suffer any such Opening to remain uncovered or unprotected by such Grating, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings for the First Day, and any further Sum not exceeding Five Shillings for every Day the said Offence shall be continued.

XXVII. And be it further enacted, That the several Owners or Occupiers of Messuages, Buildings, Lands, Tenements, and Hereditaments within the said City and County, and every of them, are hereby respectively required from Time to Time, within Seven Days next after their respectively receiving Notice in Writing from the said Council in that Behalf under the Hand of the said Town Clerk or Treasurer, to cause all the Doors and Gates leading into the several Messuages, Buildings, Lands, Tenements, and Hereditaments within the said City and County in their respective Occupations (except horizontal or trap-doors) which now do or shall hereafter open outwards, and when opened project over any of the Roads, Streets, Ways, Lanes, or other public Passages or Places within the said City and County, to be altered so that the same Doors and Gates shall thenceforth open inwards and into their respective Premises; and if any such Owner or Occupier of any of the aforesaid Premises shall neglect or refuse to make the Alteration required by the said Council in or respecting any such Door or Gate within the Period specified in such Notice, such Owner or Occupier making default therein shall forfeit and pay any Sum not exceeding One Shilling for every Day during which any such Gate or Door shall be suffered to remain opening outwards after the Expiration of the Time specified in such Notice: Provided nevertheless, that the Costs and Charges of altering any such Door or Gate which at the Time of passing this Act so opened outwards as aforesaid shall be paid and borne by the said Council by and out of the Borough Fund for the said City and County, and that the Costs and Charges of altering any such Doors or Gates which shall hereafter be made to open outward as aforesaid shall be paid and borne by the said Owner or Occupier; and it shall be lawful for such Occupier, being a Tenant at Rack Rent, and having paid such Costs and Charges in the first instance, to deduct and retain the Amount thereof out of his Rent, and the Proprietor or Landlord of every such Messuage, Building, Land, Tenement, and Hereditament so held at Rack Rent is hereby required to allow the same accordingly, except only in Cases where such Doors or Gates shall have been so made to open outwards by such Occupier, in which Case he shall bear the Expence of altering the same.

XXVIII. And be it further enacted, That if any Area belonging to any House or other Building next to any Road, Street, Way, Lane, or other public Passage or Place within the said City and County shall be at any Time left without a sufficient Rail or Fence towards such Road, Street, Way, Lane, or other public Passage or Place, or if any Cellar Door, Trap-door, Hatchway, or Flap Window leading into or giving Light or Air to or placed over any Cellar, Vault, or Office under Ground within the said City and County shall at any Time be left not effectually

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and

Doors and
Gates to open
inwards.Cellar Doors
to be closed
at Night or
guarded.

and substantially secured so as to prevent Accidents, or if any Grate or other Covering placed over any Opening in the Roadway, Footway, Flagway, or Pavement, and used for putting Coals or any other Articles into any Cellar or other Place under Ground, or for any other Purpose, shall at any Hour of the Day or Night be left open, or shall not be well and effectually fastened down and secured so as to prevent Accidents (except during such Time as may be necessary for the depositing such Coals or other Articles), then and in every of the said Cases the Occupier of every such Cellar, House, or other Building, Vault, Office, or other Place under Ground as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and any further Sum not exceeding Twenty Shillings for every Day the said Offence shall be continued.

Power to place Bars, &c. across Streets on certain Occasions.

XXIX. And be it further enacted, That it shall be lawful for the said Council or for any Two of His Majesty's Justices of the Peace for the said City and County, from Time to Time, to order and direct the Carriageway of any Road, Street, or public Place within the said City and County to be stopped up during the Time of the Transaction of any public Business in the Guildhall, Council House, or any other public Hall or Place situate in or near such Road, Street, or public Place, and for such Purpose to cause such and so many Bars, Posts, Rails, and Chains to be fixed, set up, and placed across the Carriageway of any such Road, Street, or public Place as to the said Council or the said Justices shall seem proper; and if any Person shall throw down, break, remove, or injure any Bar, Post, Rail, or Chain so fixed, set up, or placed as aforesaid, without being authorized so to do by the said Council or by such Justices as aforesaid, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Power to make Bye Laws relative to the Bridge over the River Frome.

XXX. And whereas the said Mayor, Aldermen, and Burgesses, or their Predecessors, did some Time since, at their Costs and Charges, cause to be constructed and built a convenient Swing-bridge over the River *Frome*, from the Parish of *Saint Stephen* to the Parish of *Saint Augustine* within the said City and County, and the said Mayor, Aldermen, and Burgesses have sometimes permitted Persons, Horses, Coaches, Chaises, and certain other Carriages to pass over such Bridge: And whereas in order to preserve the said Bridge from Damage and Injury by the Passage of heavy Carriages thereon, and to prevent Danger, Inconvenience, and Obstruction to Persons, Horses, Coaches, Chaises, and other Carriages so permitted to pass over the same, it is expedient that certain Rules and Regulations should be made with regard to the said Bridge; be it therefore enacted, That it shall be lawful for the said Council from Time to Time, so long as they shall permit and suffer any Persons, Horses, or Carriages to pass over the said Bridge, to make, constitute, provide, and ordain such Rules, Orders, and Bye Laws as they shall think fit for the Regulation of the said Bridge, and the keeping, opening, and Preservation of the same, and for the preventing of loaded and unloaded Waggon, Carts, Sledges, Drays, and such like Carriages, or any of them, and such other Carriages as they shall judge improper to pass over the said Bridge, from passing over the same; and also from Time to Time to nominate and appoint such Officers as they shall judge necessary and proper to attend and remain at the said Bridge for the Purpose of opening the

same for the Navigation of Barges and other Vessels in the said River *Frome*, and for the Preservation of the said Bridge.

XXXI. And be it further enacted, That it shall be lawful for the said Council and they are hereby authorized from Time to Time to make, provide, constitute, and ordain such Rules, Orders, and Bye Laws as they shall think fit and necessary for the licensing and authorizing a sufficient Number of Hackney Coaches, Chariots, Flies, Cars, Cabriolets, Waggon, Carts, Drays, Sledges, or other Carriages, Sedan-chairs and Wheel-chairs, and also Porters, Chairmen, and Basket-women, to ply for Hire within the said City and County, and within and for the Distances round the same herein-after mentioned; and for regulating such Hackney Coaches, Chariots, Flies, Cars, Cabriolets, Waggon, Carts, Drays, Sledges, or other Carriages, Sedan-chairs and Wheel-chairs; and for regulating and ordering in what Manner the Owners, Drivers, and Carriers thereof respectively, and such Porters, Chairmen, and Basket-women, shall conduct and behave themselves in their said several Employments; and also in what Manner and Order and how such Hackney Coaches, Chariots, Cars, Flies, Cabriolets, Waggon, Carts, Drays, Sledges, or Carriages, Sedan-chairs and Wheel-chairs, shall be furnished, provided, kept, and numbered, and what Number of Persons may be conveyed in each of such Coaches, Chariots, Flies, Cars, Cabriolets, or other Carriages, and what Number of Horses are to draw the same; and for compelling such Owners, Drivers, Carriers, and Porters, Chairmen, and Basket-women respectively to register their Names and Places of Abode respectively with such Person as the said Council shall direct; and touching and concerning the Messages, Goods, Parcels, and Things to be carried and conveyed by such Porters, Chairmen, and Basket-women, or any of them, and the respective Numbers which each of them the said Porters, Chairmen, and Basket-women shall have and keep; and for ascertaining and fixing, altering, and removing the Stands of such Hackney Coaches, Chariots, Flies, Cars, Cabriolets, Carriages, Chairs, Chairmen, Porters, and Basket-women, or any of them, from Time to Time; and for punishing the Misconduct and Misbehaviour of the Owners and Drivers of such Hackney Coaches, Chariots, Flies, Cars, Cabriolets, Waggon, Carts, Drays, or other Carriages, Chairmen, Porters, and Basket-women; and for ascertaining and defining what Rates, Fares, and Prices, as well for Time as Distance, shall be allowed to be taken by such Owners, Drivers, Chairmen, Porters, and Basket-women plying for Hire, and to what Distances they shall respectively be obliged to drive, go, and come in, over, and round and about the said City and County and the Neighbourhood thereof, not exceeding for such Hackney Coaches, Chariots, Flies, Cars, and Cabriolets Ten Miles, not exceeding for such Waggon, Carts, Drays, and Sledges Three Miles, not exceeding for such Sedan-chairs and Wheel-chairs Three Miles, and not exceeding for such Porters and Basket-women Three Miles; such respective Distances to be measured from the front Door of the Exchange in the said City of *Bristol* as a Centre.

Power to
make Rules,
Orders, and
Bye Laws
for licensing
Hackney
Coaches, &c.

XXXII. And be it further enacted, That every Licence so to be granted as herein-before mentioned shall be signed by Two of His Majesty's Justices of the Peace for the said City and County, and every such Licence shall express the Number to which such Person is licensed, and

Manner of
granting
such Li-
cences.

Sum to be paid for a Licence.

and shall be in force for One Year from the Day of the Date of such Licence, or until the next general annual licensing of such Persons for the Purposes aforesaid, unless revoked or suspended in pursuance of any Provision to be made in any such Rule, Order, or Bye Law, and no longer; and every such Licence shall be duly entered in a Book to be provided and kept for that Purpose, with the Name of the Person licensed, and his Number and Place of Residence; and for each and every such Licence there shall be paid for the same the following Sums; (that is to say,) for each Licence for a Hackney Coach, Chariot, Fly, Car, or Cabriolet, the Sum of Ten Shillings; for each Licence for a Waggon, Cart, Dray, Sledge, or Sedan-chair, the Sum of Two Shillings and Sixpence; and for each Licence for a Porter or Woman the Sum of One Shilling; and for every Transfer of every such Licence One Half the Sum herein-before directed to be paid for such Licence.

Penalty for Persons plying without Licences or in improper Places.

XXXIII. And be it further enacted, That if the Driver of any Coach, Chariot, Fly, Car, Cabriolet, Waggon, Cart, Dray, Sledge, or other Carriage, or the Carrier of or Person attending any Sedan-chair or Wheel-chair, shall be found standing or plying for Hire within the said City and County without such Licence as aforesaid, or having such Licence shall be found plying or standing for Hire contrary to the Rules, Orders, or Bye Laws which shall be made in that respect, the Owner or Driver, or the Person driving or offering to drive such Coach, Chariot, Fly, Car, Cabriolet, Waggon, Cart, Dray, Sledge, or Carriage, and the Owner or Carrier of or Person attending such Sedan-chair or Wheel-chair, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Recovery of Fares.

XXXIV. And be it further enacted, That if any Person, after having hired or employed any such Coach, Chariot, Fly, Car, Cabriolet, Waggon, Cart, Dray, Sledge, or other Carriage, Sedan-chair, Wheel-chair, Porter, or Basket-woman, shall refuse or neglect to pay any of the Rates, Fares, or Prices authorized by the said Rules, Orders, or Bye Laws to be demanded and taken by the Driver thereof, or Porter or Basket-woman respectively, the same shall and may be levied and recovered by the Person to whom such Rate, Fare, or Price is due in such and the like Manner as any Penalty or Forfeiture is by this Act authorized to be levied and recovered.

Council to direct where Fairs and Markets may be held.

XXXV. And be it further enacted, That it shall be lawful for the said Council (with the Consent of the Person or Persons in whom for the Time being the ancient and accustomed Fairs respectively within the said City and County shall be by Law vested) to order and direct in what Place within the said City and County and for what Periods such Fairs shall be holden, or to discontinue the same, or any of them, and it shall be lawful for the said Council to continue to hold any Fair or Market held under and by virtue of the said recited Act hereby repealed, and also from Time to Time to make, establish, erect, build, hold, and for ever afterwards to keep in good Repair and Condition, within the said City and County, such additional Markets as they may think proper for the Sale of Meat, Fish, Poultry, Vegetables, Fruit, and other Provisions, Coal, and also Corn, Grain, Seeds, Flour, Malt, Hops, Hay, Straw, and other Produce of Land, China, Glass, Earthenware, and any other Goods,

Goods, Wares, Articles, Commodities, Matters, or Things whatsoever, and to purchase or rent any Site of Ground for such Markets, and from Time to Time to remove, enlarge, vary, and alter the Form, Situation, and Extent of the said present or any additional Markets, or any of them; and to make Conduits, with proper Reservoirs and Cisterns, within or near the said Markets, and to lay down all necessary Pipes from the same in and through the several Roads, Streets, Squares, Ways, Lanes, and other public Passages and Places necessary to be passed for conveying a Supply of Water to the said Markets; and to do and perform all such other Acts, Matters, and Things as shall be deemed necessary or proper for the making, erecting, building, and from Time to Time keeping in good Repair and Condition, and the using, of the present and additional Markets or any of them; and by themselves, or any of their Collectors, Farmers, Officers, or Servants, to ask, demand, recover, receive, and take of and from every Person exposing or offering for Sale or selling any Meat, Fish, Poultry, Vegetables, Fruit, or other Provisions, or Coal or Corn, Grain, Seeds, Flour, Malt, Hops, Hay, Straw, and other Produce of Land, China, Glass, Earthenware, and other Goods, Articles, Commodities, Matters, and Things in any of the said Markets, and for weighing or measuring the same respectively, or who shall rent, use, or hire any Building, Shed, Stall, Standing, Bulk, Trestle, Block, or other Convenience, Standing Place or Station in any of the said Markets, the several Stallages, Rents, or Sums of Money which shall at any Time or from Time to Time be fixed and appointed by the said Council to be paid for the same, any Charter, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding.

XXXVI. And be it further enacted, That it shall be lawful for the said Council and they are hereby authorized from Time to Time to make such Rules, Orders, and Bye Laws as they shall think proper for the better regulating and cleansing the said Fairs and Markets, and the Attendance and Duty of the Police within the same, and the Hours and Times within which the said Fairs and Markets shall continue to be held; and the letting, occupying, and using the Stands and Stalls within the said Markets, and also for the regulating, ordering, and governing all Persons, both Buyers and Sellers, to the said Fairs or Markets coming and resorting, in all Matters and Things which do or may concern or relate to the said Fairs and Markets or either of them, and the fixing and ascertaining the Rates and Prices for the carrying and conveying of all Articles carried or conveyed from the said Fairs or Markets to any Place within the said City and County; and also for the trying and adjusting of all Weights and Measures used and to be used in such Markets or any of them, and the Sale of Victuals and other Provisions, Hay, Straw, Coal, and other Articles and Things in such Markets or any of them by such Weights or Measures; and for preventing the Sale and exposing to Sale of Victuals and other Provisions, Hay, Straw, Coal, and other Things in such Markets or any of them by false or deceitful Weights or Measures; and also for preventing the Sale and exposure to Sale of any unwholesome Flesh Meat, Fish, Poultry, or other Provision, Vegetables, or other Articles of Food in such Markets or any of them; and for regulating and ordering all other Matters and Things which do or may concern or relate to the said Fairs and Markets or either of them; and also from Time to Time, as Occa-

Council may
make Bye
Laws and
Regulations
as to Fairs
and Markets.

[Local.]

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sion

sion shall require, to nominate and appoint such Officer and Officers as they the said Council shall judge necessary and proper to attend and remain in the said Fairs and Markets, or any of them, for the better regulating, ordering, and governing the same, and for putting such Rules, Orders, and Bye Laws into due Execution; and all Persons coming and resorting to the said Fairs and Markets are hereby required to observe and keep such Rules, Orders, and Bye Laws so to be made as aforesaid, under such Penalties and Forfeitures as shall be respectively fixed for the breaking or Nonperformance of the same.

Council may make Bye Laws for regulating the Fisheries on the Rivers Severn, Avon, and Frome.

XXXVII. And be it further enacted, That it shall be lawful for the said Council, from Time to Time as Occasion shall require, to make, constitute, provide, and ordain such Rules, Orders, and Bye Laws as they shall think fit for the Regulation and good Government of such Fisheries in and upon the Rivers *Severn*, *Avon*, and *Frome* as are within the Jurisdiction of the said Mayor, Aldermen, and Burgesses, and for the Regulation of the Fishermen fishing in and upon such Rivers or either of them within the Jurisdiction aforesaid, and the Nets, Puts, and other Instruments used by them for the Purpose of fishing therein.

Bye Laws may be amended.

Penalty on evading Bye Laws.

XXXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Council, as they shall think fit, to repeal, alter, add to, or amend any Rules, Orders, and Bye Laws to be made under the Authority of this Act, and to ascertain and fix the Maximum of the pecuniary or other Penalty or Forfeiture which shall be incurred by Persons breaking or evading such Rules, Orders, and Bye Laws, or any of them: Provided also, that no pecuniary Penalty shall exceed the Sum of Five Pounds for any One Offence; and such Rules, Orders, and Bye Laws shall not be repugnant to the Laws of that Part of the United Kingdom called *England*, or to the Provisions of this Act; and all Persons are hereby required to observe and keep all such Rules, Orders, and Bye Laws: Provided also, that a Copy of all the several Rules, Orders, and Bye Laws to be made under the Authority of this Act shall be fairly written or printed, and signed by the Town Clerk of the said City, by Order of the said Council, and shall be and remain affixed or hung up in some conspicuous Part of the Council House and Exchange within the said City, and that public Notice shall be given of such Rules, Orders, and Bye Laws, by advertising the same in such of the Newspapers published in the said City as the said Council shall direct; and after the Expiration of Forty Days from the Time such Rules, Orders, and Bye Laws shall have been so published the same shall be confirmed by the said Council before any such Rule, Order, or Bye Law shall be executed or take effect.

Penalty for defacing Bye Law Boards.

XXXIX. 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 Rules, Orders, or Bye Laws of the said Council, or any other official Publication of or from the said Council 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.

XL. And

XL. And be it further enacted, That in all Cases of Prosecution against any Person breaking, violating, or infringing any Rule, Order, or Bye Law of the said Council, the Production of a written or printed Paper or Parchment purporting to be a true Copy of the Rules, Orders, or Bye Laws of the said Council, and authenticated by having the Corporate Seal affixed thereto, shall be Evidence of the Existence and of the due making of such Rules, Orders, or Bye Laws.

Authenti-
cated Bye
Laws to be
Evidence.

XLI. And be it further enacted, That it shall be lawful for the said Council and they are hereby required from Time to Time, and at such Place and Places as they shall think proper, to erect, provide, support, and maintain within the said City and County such a Number of Engines or Machines and public Weights and Scales as they shall think proper for the weighing any Goods, Wares, Merchandize, or Things which any Person shall desire to have weighed; and such Person so desiring the same to be weighed shall pay to such Person as shall be appointed to receive the same by the said Council such Sum as shall be from Time to Time fixed by the said Council, not exceeding the Sum of Sixpence for every Ton, and the Sum of Three-pence for every Fraction less than a Ton, for each Time of weighing.

For provid-
ing Weighing
Engines.

XLII. And be it further enacted, That if any Goods, Wares, or Merchandize which shall be laid upon any Wharf, Back, Bank, or Quay on the Side of either of the said Rivers *Avon* or *Frome*, or of the new Course or Channel of the said River *Avon*, or of the Floating Harbour, Docks, or Basins or any of them within the said City and County, shall be suffered to remain on such Wharf, Back, or Quay for any longer Space of Time than Ten Days, except on special Occasion, to be allowed by any Two Justices of the Peace for the said City and County, it shall be lawful for the Water Bailiff or Quay Warden of the City and Port of *Bristol* for the Time being, or either of them, by the Authority of this Act and without any other Warrant, to seize and take possession of such Goods, Wares, and Merchandize, and to deposit or impound the same in some Place of Safety to be appointed by the said Council for that Purpose; and the Owner, Consignee, or Person who shall have had the Care thereof, or who shall claim the same, shall for every such Offence be subject to and shall pay the Penalty herein-after for that Purpose mentioned; and in case the same Goods, Wares, and Merchandize, or any Part thereof, shall not be claimed by the Person to whom the same shall belong, or by the Consignee or other Person who shall have had the Care thereof, or if the reasonable Charges of seizing, impounding, and keeping the same, together with a Penalty not exceeding the Amount of Double the Value of such Charges of seizing, impounding, and keeping, be not paid by the Owner, Consignee, or Person who shall have had the Care thereof or so claiming the same within Twenty-one Days after the impounding of the same as aforesaid, it shall be lawful for any Two Justices of the Peace for the said City and County, at the End of such Twenty-one Days, on Oath being made before them that such Goods, Wares, or Merchandize so impounded have not been claimed, or that the said Charges and Penalty have not been paid, by Order under their Hands to cause public Sale to be made of such Goods, Wares, and Merchandize, first giving Seven Days Notice of such Sale in such One or more of the *Bristol* Newspapers as the said Justices shall

For regulat-
ing the Trade
and Business
transacted
upon or near
the Banks of
the Rivers
Avon and
Frome.

shall direct ; and the Money arising therefrom, after deducting such Penalty and Charges as aforesaid, together with the Charges of such Sale, shall be deposited with the Treasurer of the said City and County until the same shall be claimed by the Owner of such Goods, Wares, and Merchandize, and shall then be paid over to such Owner accordingly.

A Cloth to be placed from every Vessel to the Shore whilst Ballast, Coals, &c. are lading or unloading.

XLIII. And be it further enacted, That the Master, Owner, or other Person having the Care of any Ship, Lighter, or other Vessel at any of the Backs or Quays, or being in any Part of either of the said Rivers *Avon* or *Frome*, or of the new Course or Channel of the said River *Avon* or of the Floating Harbour, or in any Docks or Basins within the said City and County, shall and he is hereby required, before and during the Time that any Ballast, Coals, Cinders, Stones, or any other loose Matter or Thing shall be loading or unloading into or from any such Ship, Lighter, or Vessel, to cause a Canvas or other Cloth to be nailed or otherwise fastened to such Ship, Lighter, or other Vessel, which Canvas or Cloth shall extend from such Ship, Lighter, or other Vessel unto the Wharf, Back, Quay, or Place to or from which such loading or unloading is or shall be conveying or conveyed, or unto any other Ship, Lighter, Boat, or Vessel to or from which such loading or unloading is or shall be conveying or conveyed as the Case shall happen to be, so and in such Manner as to prevent any Part of such loading or unloading from passing or falling into the said Rivers, Floating Harbour, Docks, or Basins, or either of them, or any Part thereof respectively ; and when and as soon as such Ballast, Coals, Cinders, Stones, or other loose Matter are, is, or shall be landed from such Ship, Lighter, or Vessel, the same shall be by such Master, Owner, or other Person as aforesaid laid and placed or caused to be laid and placed back at least Four Feet distant from the Edge of such Wharf, Back, Quay, Wall, or Place of landing, and taken or carried or caused to be taken or carried from such Wharf, Back, Quay, or Place within Twenty-four Hours after the Time of landing the same as aforesaid ; and in case any Master, Owner, or other Person having the Care of any such Ship, Lighter, or other Vessel shall neglect or refuse to fix such Canvas, or to lay and place and carry away such Ballast, Coals, Cinders, Stones, or other loose Matter in Manner and Form and within the Time aforesaid, such Master, Owner, or other Person shall for every such Neglect or Refusal forfeit and pay any Sum not exceeding Forty Shillings,

Water Bailiff and Quay Warden to direct the mooring of Vessels.

XLIV. And be it further enacted, That when any Ship or Vessel shall come into either of the said Rivers *Avon* or *Frome*, or into the new Course or Channel of the said River *Avon*, or into any Part of the said Floating Harbour within the said City and County, the Master, Owner, or Person having the Care thereof shall lay and moor the said Ship or Vessel in such Manner and in such Place as the said Quay Warden or Water Bailiff shall direct ; and in case such Master, Owner, or other Person shall neglect or refuse to lay and moor the same Ship or Vessel as aforesaid, such Quay Warden or Water Bailiff may cause every such Ship or Vessel to be removed to such Berth as he shall think proper, and the Expence of such Removal shall be paid by such Master, Owner, or Person having the Care of the said Ship or Vessel as aforesaid, and may be recovered in manner herein-after directed.

XLV. And be it further enacted, That during the Time any Ship, Trow, or Vessel (such Vessel not being a Boat or Lighter) shall be or remain in either of the said Rivers *Avon* or *Frome*, or in the new Course or Channel of the said River *Avon*, or in any Part of the said Floating Harbour, Docks, or Basins within the said City and County, the Owner or Consignee, Master or Person having the Care thereof shall cause a Person to remain on board thereof to prevent Accidents happening by Fire, or by the drifting of such Ship, Trow, or Vessel; and in case any Ship, Trow, or Vessel so being in either of the said Rivers, or in any Part of the said Floating Harbour, Docks, or Basin within the said City and County, shall at any Time be left without a proper Person on board to prevent such Accidents as aforesaid, the Owner or Consignee, Master or other Person having the Care of such Ship, Trow, or Vessel, shall for every such Neglect or Omission forfeit and pay any Sum not exceeding Five Pounds.

Persons to be kept on board Vessels to prevent Accidents.

XLVI. And be it further enacted, That from Time to Time it shall be lawful for the Water Bailiff or Quay Warden, for the general Safety and Accommodation of any Ships or Vessels lying or being in the Rivers *Avon* or *Frome*, or at the Backs or Quays, or in the new Course or Channel of the said River *Avon*, or in any Part of the said Floating Harbour, to order and direct the Master, Owner, or other Person having the Care of any such Ship or Vessel to remove the same to such other Part of the said respective Rivers or Harbour as the said Water Bailiff or Quay Warden shall think proper and direct; and in case such Master or Owner or other Person having the Care of such Ship or Vessel shall refuse or neglect to remove such Ship or Vessel pursuant to such Order or Direction, it shall be lawful for the said Water Bailiff or Quay Warden forthwith to remove or cause such Ship or Vessel to be removed to such other Part of the said respective Rivers or Harbour as he shall think proper as aforesaid; and the said Master, Owner, or other Person shall, for such Refusal or Neglect, forfeit and pay any Sum not exceeding Forty Shillings, together with the full Charges and Expences of such Removal, and shall also stand to and abide by any Damage or Accident that may happen to such Ship or Vessel in and about or after the removing thereof as aforesaid.

Water Bailiff and Quay Warden may remove Vessels when crowded.

XLVII. And be it further enacted, That in case the said Water Bailiff or Quay Warden shall at any Time or Times deem it necessary for the Safety or Accommodation of the other Ships or Vessels in the said Rivers *Avon* or *Frome*, or in the new Course or Channel of the said River *Avon*, or in the said Floating Harbour, or either of them, that the Fastenings of any Ship or Vessel, or any Raft in the said Rivers or Harbour, or either of them, within the said City and County, should be loosened, or any such Ship or Vessel or Raft cast off from her or its Berth, it shall be lawful for every such Water Bailiff or Quay Warden to cut or cause any such Fastenings to be cut and separated or cast off, in case the Master or Person on board having the Care or Management of such Ship or Vessel or Raft shall refuse or neglect to loosen such Fastenings, or cast off such Ship, Vessel or Raft, upon Demand made by the said Quay Warden or Water Bailiff for that Purpose.

Water Bailiff and Quay Warden may order the Fastenings of Vessels to be loosened when necessary.

The Council
may remove
Obstructions
in the River,
&c.

XLVIII. And be it further enacted, That it shall be lawful for the said Council, and for their Officers, Agents, Servants, or Workmen for the Time being, to remove and take away any Ship or Vessel that may be sunk, or any Wood, Timber, Anchors, Obstructions, or Impediments that may be placed or lie, in the said Rivers *Avon* and *Frome*, new Course or Channel of the said River *Avon*, Floating Harbour, Docks, or Basins, or any or either of them, within the said City and County; and in case the Owner of any such Ship or Vessel, or the Owner of or Person who placed or deposited, or caused to be placed or deposited, or suffered to be drifted, any such Wood, Timber, Anchor, Obstruction, or Impediment, shall refuse or neglect to pay the Charge of removing the same, and all Expences incident thereto, for the Space of Three Days after Demand thereof made by any Agent or Officer of the said Council, or by the said Water Bailiff or Quay Warden, the same shall be levied and recovered as any Penalties and Forfeitures are by this Act directed to be levied and recovered, and shall be paid to the Person who shall have incurred the Expence of removing the same.

Fees to be
paid in
respect of
Ships, &c.

XLIX. And be it further enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses, or the Water Bailiff or Quay Warden of the said City and Port of *Bristol* for the Time being, or either of them, or for any other Person by the Appointment of the said Council, and on behalf of the said Mayor, Aldermen, and Burgesses, to ask, demand, and receive, or cause to be asked, demanded, and received, of and from the Owner, Part Owner, or Master of the respective Ships, Boats, Trows, Barges, and other Vessels for which the Fees and Sums of Money herein-after mentioned shall by virtue of this Act become due or payable, the several Fees and Sums of Money mentioned and described in the Schedule hereunto annexed; and if any Owner, Part Owner, or Master, or other Person acting as such, shall refuse or neglect to pay such Fees or Sums of Money, then and in every such Case the said Mayor, Aldermen, and Burgesses shall and may recover the said Fees and Sums of Money of such Owner, Part Owner, or Master, either by Action of Debt or other Action to be brought in any of His Majesty's Courts of Record at *Westminster*, or it shall be lawful for any One of His Majesty's Justices of the Peace for the said City and County, and he is hereby authorized and required by Writing under his Hand, on Complaint made to him by the said Water Bailiff or Quay Warden, or by any Officer or other Person appointed by the said Council to receive the same, to summon such Owner, Part Owner, Master, or other Person acting as such, who shall have refused or neglected as aforesaid, to appear at a Time and Place to be mentioned in such Summons before such Justice or before any other Justice of the Peace who shall be then and there present, the said Water Bailiff or Quay Warden, or the said Officer or Person as aforesaid, having previously made Oath that he had applied to such Owner, Part Owner, Master, or other Person acting as such for Payment of the same, and that such Owner, Part Owner, Master, or other Person was chargeable with the Payment of the same; and every such Summons shall be served upon every Owner, Part Owner, Master, or other Person acting as such so refusing or neglecting to pay as aforesaid, either by delivering the same to the Person thereby intended to be summoned, or by leaving the same at his last or usual Place of Abode,

or on board the Vessel of which such Person so to be summoned is Owner, Part Owner, or Master, or acting as such; and if any Owner, Part Owner, Master, or other Person so summoned as aforesaid shall refuse or neglect to attend at the Time and Place mentioned in such Summons, or if he shall attend and shall not show good or sufficient Cause to the Justice who may then and there be present that he is not chargeable with such Fees or Sums of Money, then and in every such Case such Person shall pay the Fees or Sums of Money in respect of which such Summons was issued, and also the Costs and Charges of such Summons; and in all Cases where such Fees or Sums of Money shall not be paid upon the Return of such Summons it shall be lawful for the Justice who shall have signed and issued such Summons, or for any other Justice of the said City and County, and he is hereby authorized and required, upon Oath or Affirmation made before him of the due Service of such Summons by the Person who shall have served the same, and upon Proof on Oath that such Fees or Sums of Money are actually due and owing, to grant a Warrant under his Hand and Seal, authorizing or directing any such Person appointed to collect such Fees or Sums of Money as aforesaid or other Person to levy such Fees or Sums of Money, and all Arrears thereof, and the said Costs and Charges of the Summons (if the same shall not have been paid before), and the Costs and Charges of every such Warrant, and also the Costs, Charges, and Expences of executing the same, by Distress of the Tackle, Apparel, and Furniture of any Ship, Boat, Trow, Barge, or other Vessel of or belonging to or under the Charge of the Person so neglecting or refusing, or of any other Goods and Chattels belonging to the said Owner, Part Owner, or Master; and if within Five Days next after any Distress shall have been made the said Fees or Sums of Money, with all Arrears due thereon, together with all the Charges for the said Summons and Warrant, and the Charges and Expences of executing the same and of making such Distress, and of keeping such Goods and Chattels, shall not be paid, then the said Person appointed to collect as aforesaid, or other Person authorized by the said Warrant, shall cause the said Goods and Chattels to be appraised by some Appraiser, and to be sold, or such Part thereof as in his Judgment shall be sufficient, to pay the said Fees or Sums of Money, together with all Arrears due thereon, and the Costs, Charges, and Expences of the said Summons, Warrant, Distress, removing, and keeping Possession as aforesaid of such Goods and Chattels so distrained, and the reasonable Costs, Charges, and Expences of appraising and selling the same, and shall return the Overplus (if any) to the Owner of such Goods and Chattels respectively, upon Demand thereof made by him.

L. And be it further enacted, That it shall be lawful for the said Council from Time to Time, as and when they may see fit, to abolish, reduce, or alter, and after such Abolition, Reduction, or Alteration again to establish, raise, and increase, and so from Time to Time to abolish, reduce, alter, or raise, the said several Fees and Sums of Money respectively set forth in the said Schedule hereunto annexed, or any or either of such Fees or Sums of Money, so that the said Fees and Sums of Money, or any or either of them respectively, shall not be raised or increased beyond the Amount set forth in the said Schedule.

Power to
abolish or
reduce Fees.

LI. Pro-

Fees to be charged equally.

LI. Provided always, and be it further enacted, That the Fees and Sums of Money respectively set forth in the Schedule to this Act annexed shall at all Times be charged equally in respect of the same Description of Ship or other Vessel, Boat, Trow, or Barge, and that no Reduction or Advance thereof shall either directly or indirectly be made partially or in favour of or against any particular Ship or other Vessel, Boat, Trow, or Barge, but that every such Reduction or Advance shall extend to the same Description of Ship or other Vessel, Boat, Trow, or Barge so reduced or advanced, any thing herein contained to the contrary thereof in anywise notwithstanding.

Power to unite the Offices of Water Bailiff and Quay Warden.

LII. And whereas the said Mayor, Aldermen, and Burgesses are duly authorized and empowered to appoint during Pleasure a Water Bailiff and a Quay Warden for the said City and Port of *Bristol*, and they may hereafter deem it expedient to appoint one Person to execute the Duties of both the said Offices; be it therefore enacted, That upon the Death, Resignation, or Removal of the present Water Bailiff and Quay Warden of the said City and Port, or of either of them, it shall be lawful for the said Council, if they shall see fit, from Time to Time to appoint One Person to execute as well the Duties of both the said Offices as of any other Office under them the said Mayor, Aldermen, and Burgesses during Pleasure, and then and in such Case the Person who may be from Time to Time so appointed shall be and he is hereby authorized and empowered to do and perform all such Acts, Matters, and Things as the Water Bailiff and Quay Warden of the said City and Port, and each or either of them, can or may now lawfully do or perform or is or are authorized to do and perform in and by this Act or otherwise: Provided nevertheless, that nothing herein contained shall preclude the said Council at any Time hereafter from appointing separate Persons to do the Duties of the said respective Offices upon the Death, Resignation, or Removal of any Person who may have been appointed solely to perform the said Duties; and whenever such separate Appointment shall be made, the Person so appointed shall be invested with all the Powers, Privileges, and Authorities which appertain to the said respective Offices of Water Bailiff and Quay Warden as well under the Provisions contained in this Act as otherwise.

Declaring what shall be good Service of Notice on the Mayor, &c.

LIII. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity upon the said Mayor, Aldermen, and Burgesses, or upon the said Council in pursuance of this Act, personal Service thereof upon the Mayor, Town Clerk, or Treasurer of the said City and County, or either of them, shall be deemed good and sufficient Service of the same respectively on the said Mayor, Aldermen, and Burgesses, and the said Council.

Declaring what shall be good Service of Notices, Summonses, &c. upon other Persons,

LIV. And be it further enacted, That in all Cases in which it may be necessary to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity or otherwise upon any Person or Corporation under the Provisions of this Act, or under any Rule, Order, or Bye Law made in pursuance thereof, Service of such Summons, Demand,

Demand, Notice, Writ, or other Proceeding respectively, either upon the Person to whom the same ought to be given, or by delivering the same at the last or usual Place of Abode or Business of such Person, or upon the Clerk or principal Officer of such Corporation, or by delivering the same to some Inmate at the House or Office of such Corporation, or in case the same respectively shall not be found or known, then Service thereof, upon any Agent or other Officer of such Corporation shall be deemed good and sufficient Service of the same respectively upon such Corporation (as the Case may be), except in Cases in which any other Mode of Service is by this Act particularly directed: Provided always, that every Summons, Demand, or Notice, or other Document requiring Authentication by the said Mayor, Aldermen, and Burgesses, or by the said Council, may be signed by the Town Clerk of the said City and County, and need not be under the Common Seal of the said City and County (unless it be otherwise specially directed by this Act), and may be in Writing or in Print, or partly in Writing and partly in Print.

LV. And be it further enacted, That if any Person shall obstruct, hinder, molest, or interrupt any Officer or Person whomsoever employed by virtue of this Act in the Performance of his Duty, or in the Execution of any of the Works, Matters, or Things to be done by virtue or under the Authority of the same respectively, while in the Execution of any of the Powers hereby vested in him, then and in every such Case every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for obstructing Execution of this Act.

LVI. And be it further enacted, That it shall be lawful for any Justice of the Peace for the said City and County to act as a Justice of the Peace in the Execution of this Act, notwithstanding he may be the Mayor or an Alderman or a Burgess of the said City and County.

The Mayor, &c. being Justices, may act.

LVII. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act, or by any Rule, Order, or Bye Law made in pursuance thereof, are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeitures for the Recovery of which no express Provision is herein-before made, shall in every Case be heard, adjudged, and determined by or before any Two Justices of the Peace for the said City and County in a summary Way, upon Information or Complaint made, whether the same shall be in Writing or not, and which shall in every Case be made within Six Calendar Months at furthest next after the committing of such Offences respectively; and upon any such Information or Complaint as aforesaid the said Justices shall summon the Party accused, and examine into the Complaint thereof; and if upon the Confession of the Party accused, or on the Oath of any credible Witness, the Party accused shall be convicted of having committed such Offence, then and in every such Case the Penalty, Fine, or Forfeiture hereby, or by the said Rule, Order, or Bye Law respectively made payable in respect of such Offence, together with the Costs of Conviction, to be ascertained by such Justices, shall be forthwith paid by the Party so convicted as aforesaid; and in case such Party so convicted shall refuse or neglect to pay the same forthwith, then, except in Cases otherwise provided

Recovery and Application of Penalties.

[*Local.*]

by this Act, the same shall, by Warrant under the Hands and Seals of such Justices (which they are hereby empowered and required to grant), be levied and recovered, together with the Costs of Conviction and Recovery thereof, to be ascertained by such Justices, by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus of the Money arising by such Sale, if any, to the Party whose Goods and Chattels shall be distrained, any Portion of which Penalties not herein directed to be otherwise applied, not exceeding One Moiety thereof, and which Portion is to be fixed and determined by such Justices, shall be paid to the Informer, and the Residue of such Penalty as well as all other Penalties imposed by this Act, and not herein directed to be otherwise applied, shall be paid to the Treasurer of the said City and County; 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 Justice for his Appearance before the said Justices on such Day as shall be appointed for the Return of such Warrant of Distress (such Day not being more than Eight 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 whereupon to levy the said Penalty, Fine, or Forfeiture, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to such Justices, either upon the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods or Chattels whereon such Penalty, Fine, or Forfeiture, and such Costs as aforesaid, can be levied if such Distress Warrant were issued, such Justices shall not be required to issue the same, and thereupon it shall be lawful for the said Justices, and they are hereby required and empowered, by Warrant under their Hands and Seals, to commit such Offender to the Common Gaol or House of Correction for the said City and County, there to remain without Bail or Mainprize for any Term not exceeding Two Calendar Months, or until such Offender shall have fully paid such Penalty, Fine, or Forfeiture, and all Costs attending such Proceedings as aforesaid, to be ascertained by such Justices, or shall otherwise be discharged by due Course of Law.

Form of
Conviction.

LVIII. And for the more easy and speedy Conviction of Offenders against this Act, or of any Rule, Order, or Bye Law made in pursuance thereof, be it further enacted, That a Conviction in the Form or to the Effect following, *mutatis mutandis*, and altering the same so as to make it applicable to a Conviction before One or Two Justices, as the Case may be, shall be good and effectual to all Intents and Purposes whatsoever, without stating the Case, or the Facts or Evidence, in any more particular Manner; (that is to say,)

‘ City of *Bristol* and } **BE** it remembered, That on the
 ‘ County of the same } Day of _____ in the Year of our Lord
 ‘ City, to wit. _____ is convicted before us
 ‘ and _____ Esquires, Two of His Majesty’s Justices of the
 ‘ Peace for the City and County of *Bristol*, for that he the said
 ‘ [*here state the Offence, and the Time and Place when and where the same*
 ‘ was

‘ was committed,] contrary to the Statute passed [or contrary to a certain
 Rule, Order, or Bye Law made in pursuance of the Statute passed] in
 the Year of the Reign of His Majesty King *William* the
 Fourth, intituled [*here set forth the Title of this Act*], for which Offence
 we the said Justices do adjudge the said to have
 forfeited the Sum of together with the
 Costs of this Conviction, which we do hereby assess at the Sum of
 Given under our Hands and Seals the Day
 and Year first above written.’

LIX. And be it further enacted, That where any Damages or Charges are directed or authorized to be paid or recovered 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; which Justice or Justices is and are hereby authorized and required, on Nonpayment thereof, to order such Damages or Charges to be levied by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

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

LX. And be it further enacted, That in all Cases wherein any Penalty or Forfeiture hereby imposed is made recoverable by Information before a Justice or Justices of the Peace it shall be lawful for any Justice or Justices of the Peace to whom Complaint shall be made of any Offence against this Act, or against any Rule, Order, or Bye Law made in pursuance of this Act, to summon the Party complained against, and any Witness the said Justice or Justices may think proper, before him or them, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, whether he be present or absent, 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 were exhibited.

Justices may proceed by Summons in the Recovery of Penalties.

LXI. And be it further enacted, That no Person shall be disqualified from being a Witness or from being admitted to give Evidence in any Action, Information, Prosecution, Appeal, Cause, or Proceeding whatsoever authorized by or relating to the Execution of this Act by reason of paying or being charged with or liable to pay the Borough Rate or any other Rate within the said City and County, or being the said Mayor or One of the Aldermen or Burgesses of the said City and County, or holding any Office under them.

Persons paying Rates, &c. may be Witnesses.

LXII. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, or of any Rule, Order, or Bye Law made in pursuance thereof, 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 such Distress, or in any Proceeding relating thereto, nor a Trespasser *ab initio* on account

Distress not to be void for Want of Form.

account of any subsequent Irregularity in the prosecuting of such Distress, but the Person aggrieved by such Irregularity may recover Satisfaction for special Damages in an Action upon the Case.

Proceedings not to be quashed for Want of Form, nor removed by Certiorari.

LXIII. And be it further enacted, That no Order, Judgment, Conviction, or other Proceeding touching or concerning any Offence against this Act, or of any Rule, Order, or Bye Law made in pursuance thereof, shall be quashed or vacated for Want of Form only, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and that there be a good and valid Conviction to sustain the same, any Law or Statute to the contrary thereof in anywise notwithstanding.

Plaintiff not to recover without Notice or after Tender of Amends.

LXIV. And be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person or Party for any thing done in pursuance of this Act, or of any Rule, Order, or Bye Law made in pursuance thereof, unless Notice in Writing shall have been given to the Defendant Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff, and specifying the Cause of such Action; nor shall the Plaintiff recover in any such Action if Tender of sufficient Amends shall have been made to him or his Attorney by or on the Behalf of the Defendant before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LXV. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person for any thing done or to be done in pursuance or under the Authority of this Act, or of any Rule, Order, or Bye Law made in pursuance thereof, after the Expiration of Three Calendar Months next after the Fact committed for which such Action or Suit shall be brought, except as may be herein otherwise directed; and all such Actions and Suits shall be laid and tried in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant in any such Action or Suit 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 Matter or Thing for which such Action or Suit shall be so brought was done in pursuance and by the Authority of this Act; and if upon such Trial such Matter or Thing shall appear to have been so done, or if such Action or Suit shall have been brought before Twenty-one Days Notice shall have been given, or after sufficient Satisfaction shall have been made or tendered as aforesaid, or after the Time herein-before limited for bringing the same, or if the same shall be brought in any other County or Place than as aforesaid, or if such Action shall be proceeded in after sufficient Money shall

shall have been paid into Court as herein-before authorized, then and in any of the said Cases the Jury shall find a Verdict for the Defendant; and upon such Verdict being given, or if the Plaintiff shall become nonsuited or suffer a Discontinuance of such Action or Suit after the Defendant shall have appeared thereto, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, then and in every such Case the Defendant shall have his Costs, and shall have such and the like Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in any other Case by Law: Provided nevertheless, that in the Case of paying Money into Court as aforesaid the Defendant shall be entitled to his Costs from the Time of such Payment only.

LXVI. Provided always, and be it further enacted, That if any Person shall think himself aggrieved by any Order, Conviction, Judgment, or Determination made or by any Matter or Thing done by any Justice in pursuance of this Act, or of any Rule, Order, or Bye Law made in pursuance thereof, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Court at the next General or Quarter Sessions of the Peace to be held for the City, County, or Place wherein the Cause of such Complaint shall arise; such Appellant first giving or causing to be given to such Justice by whose Act such Person shall think himself aggrieved Notice in Writing of his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of such Appeal, within Fourteen Days after such Cause of Complaint shall have arisen, and within Four Days after such Notice entering into a Recognizance before some Justice, with Two sufficient Sureties, conditioned to try such Appeal at and to abide the Order of and to pay such Costs as shall be awarded by the Court at such General or Quarter Sessions; and such Court, upon hearing and finally determining the Matter of such Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination in or concerning the Premises shall be conclusive and binding on all Parties to all Intents and Purposes whatsoever, and shall not be removeable by Certiorari or otherwise into any of His Majesty's Courts of Record at *Westminster*: Provided nevertheless, that in case there shall not be Time to give such Notice and to enter into such Recognizance as aforesaid before the next Sessions to be holden after such Cause of Complaint shall have arisen, then and in every such Case such Appeal may be made to the next following Sessions, and shall be then heard and determined: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor in the Hearing of such Appeal to go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Appeal to
the General
Quarter Ses-
sions.

LXVII. And be it further enacted, That in every Case where Notice of Appeal against the Judgment of any Justice or Justices in or concerning the Execution of this Act shall have been given, and such Appeal shall have been dismissed; or the Judgment so appealed against shall have been affirmed, or such Appeal shall have been abandoned, it shall be law-

Court may
order Costs of
Appeal to be
paid to Jus-
tice.

[Local.]

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ful

ful for the Court to whom such Appeal shall have been made or intended to have been made, and such Court is hereby required, to adjudge and order that the Party so having appealed or given Notice of his Intention to appeal shall pay to the Justice or Justices to whom such Notice shall have been given, or to whomsoever he or they shall appoint, such Sum by way of Costs as shall in the Opinion of such Court be sufficient to indemnify such Justice or Justices from all Cost and Charge whatsoever to which such Justice or Justices may have been put in consequence of his or their having had served upon him or them Notice of the Intention of such Party to appeal; and that in every Case in which the Judgment so appealed against shall be reversed, it shall be lawful for such Court, if it shall think fit, to adjudge and order that the Treasurer of the said City and County shall pay to such Justice or Justices, or to whomsoever he or they shall appoint, such Sum as shall in the Opinion of such Court be sufficient to indemnify such Justice or Justices from all Costs and Charges whatsoever to which such Justice or Justices may have been so put, and the said Treasurer is hereby authorized to pay the same, which shall be allowed to him in his Accounts.

Compelling
Witnesses to
attend.

LXVIII. And be it further enacted, That if any Person shall be summoned as a Witness by any Justice or Justices of the Peace for the said City and County touching any Matter contained in any Information or Complaint for any Offence against this Act, or any Rule, Order, or Bye Law made in pursuance thereof, either on behalf of the Prosecutor or on behalf of the Person accused, and shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed without a sufficient Excuse being given for such Nonappearance, or appearing after having been paid or tendered a reasonable Sum of Money for his Costs and Expences (the Amount of such Costs and Expences to be ascertained and determined by the said Justice or Justices) he shall refuse or decline to be examined upon Oath or upon solemn Affirmation, or to give Evidence touching the Matter in question before such Justice or Justices, then and in every such Case every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

General
Power to
Justices to
administer
Oaths.

LXIX. And be it further enacted, That in all Cases in which any Justice or Justices of the Peace is or are 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 or Justices and he and they is and are hereby required to administer an Oath to or to receive the solemn Affirmation of any Person before he shall be examined by or before such Justice or Justices; and if any Witness who shall be examined by or before any Justice or Justices of the Peace under this Act upon Oath shall wilfully and corruptly give false Evidence, and shall be thereof convicted, he shall be subject to the same Punishment as Persons convicted of Perjury are by Law subject and liable to.

Persons
making false
Declaration
to be guilty
of a Misdemeanor.
5 & 6 W. 4.
c. 62.

LXX. And be it further enacted, That where in this Act a Declaration is directed to be used the same shall be made in the Form prescribed in the Schedule to an Act passed in the Fifth and Sixth Years of the Reign of His present Majesty, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of*
Oaths

‘ Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits ;’ and to make other Provisions for the Abolition of unnecessary Oaths, or as near thereto as the Circumstances of the Case will admit, and shall be of the like Force and Effect as if any Affidavit or Affirmation in Writing had been made ; and if any Declaration so made shall be false or untrue in any material Particular, the Person wilfully making such false Declaration shall be deemed guilty of a Misdemeanor.

LXXI. And be it further enacted, That all Money collected and received as Fees, Rates, and Duties under the Powers and Provisions of this Act, and also all Money collected and received as Fees or otherwise by any Officer, Clerk, or other Person appointed by the said Mayor, Aldermen, and Burgesses, or by the said Council, or by the Justices of the Peace for the said City and County, if the said Council shall deem it expedient, and the said Officers, Clerks, and Persons shall thereto respectively assent or agree, shall be, by the said Officer, Clerk, or Person entitled to or appointed or authorized to collect or receive the same, paid to the Treasurer of the said City and County when and as often as the said Council shall order and direct ; and such Money when so paid shall be by the said Treasurer carried to or in aid of the Borough Fund of the said City and County ; and all the Costs, Charges, and Expences incident to or attending the applying for, obtaining, and passing this Act, and all Salaries, Wages, or Allowances fixed and determined by the said Council to be paid to the said Quay Warden and Water Bailiff, and to the several Officers, Clerks, and Persons appointed as aforesaid, and agreed to be taken by them in lieu of their said Fees or otherwise, and all Costs, Charges, Damages, and Expences incurred by or on behalf of the said Mayor, Aldermen, and Burgesses, or of the said Council, or by any Officer or Person appointed by or acting under the Provisions of this Act, for or by reason of any Action, Suit, or Proceeding which may be had, sued, commenced, or prosecuted against them or by them for any Matter or Thing by them legally done in and about the Execution of this Act, and all other Costs, Charges, and Expences incident to the carrying the several Powers and Provisions of this Act into execution, shall be respectively paid by the said Treasurer out of the said Borough Fund of the said City and County.

Treasurer to receive and pay all Monies.

LXXII. And whereas previously to the passing of the said recited Act of the Fifth and Sixth Years of the Reign of His said present Majesty the Corporation of *Bristol* were possessed of large Estates and Revenues and other Real and Personal Estate which they held in Trust for the Public Good of the said City, and out of such Estates and Revenues the said Corporation were in the habit of subscribing annually and contributing several Sums of Money to divers charitable Institutions within the said City, and great Benefit and Advantage hath arisen and is still likely to accrue to the said City by the Maintenance and Support of such charitable Institutions : And whereas the Proceeds of such Estates, Revenues, and Personal Estate are now carried to the Account of the Borough Fund of the said City and County : And whereas the Mayor, Aldermen, and Burgesses of the said City are desirous of continuing to subscribe annually

Mayor, &c. may continue to subscribe to Charities to a limited Amount.

annually and contribute such several Sums of Money or such other Sums of Money to a limited Amount as they may think proper; be it therefore further enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses, and they are hereby authorized and empowered, if they shall think proper, to subscribe, annually, and to contribute to or for any charitable Institution or Purpose within the said City, or within any other Place in which any Lands of the said Mayor, Aldermen, and Burgesses are or may be situate, out of the Borough Fund of the said City and County, such Sums of Money as they may think proper, provided that the total Amount of such Subscriptions and Contributions do not exceed in any One Year the Sum of Two hundred Pounds: Provided always, that no Part of the said Sum of Two hundred Pounds shall be applied, directly or indirectly, to any Ecclesiastical Purpose whatsoever.

Repealing Penalties as to Nuisances in 5 G. 4. c. 79. and 2W.4. c.89.

LXXIII. And whereas by Two several Acts, one passed in the Fifth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act for lighting and watching the Parish of Clifton in the County of Gloucester*, and the other passed in the Second Year of the Reign of His said present Majesty King *William* the Fourth, intituled *An Act for repairing, lighting, and watching the District of the United Parishes of Saint James and Saint Paul in the County of Gloucester; and for the Care of the Poor thereof*, divers Penalties are therein respectively inflicted and imposed on Persons for the Commission of certain Nuisances and Annoyances, and for the Omission to do certain Acts and Things in the said Acts particularly mentioned: And whereas, the whole of the said Parish of *Clifton* and of the said District being now included within the said City and County of *Bristol*, Doubts may arise whether the Penalties contained in the said Two several Acts or One of them may not militate against the Provisions herein contained, and it is expedient that such Doubts should be removed; be it therefore further enacted, That so much of the said Two several Acts respectively as enacts or provides for the Infliction of any Penalty for any Nuisance or Annoyance whatsoever committed within the said Parish or District, or for the Omission to do any Act or Thing thereby required to be done, and for which Nuisance or Annoyance or for the Omission to do such Act or Thing respectively a Penalty is also inflicted by this Act, shall be and the same is hereby declared to be repealed,

Saving of Rights.

3G.3.c.140.

LXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to abridge, lessen, or take away any of the Rights, Privileges, Franchises, Immunities, Powers, or Authorities of the Mayor, Aldermen, and Burgesses of the said City of *Bristol* as Owners of the Port of *Bristol*, or Conservators of the Rivers within the City and County of *Bristol*, or to abridge, lessen, or take away any of the Rights, Privileges, Immunities, Powers, or Authorities reserved or given to the said Mayor, Aldermen, and Burgesses, or to the Quay Warden or Water Bailiff of the said City, or other Officer whatsoever of the said Mayor, Aldermen, and Burgesses, in and by a certain Act of Parliament passed in the Forty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for improving and rendering more commodious the Port and Harbour of Bristol*, or in or by any other Statute, or any Grant, Charter, Usage, or Custom whatsoever;

ever; or to abridge, lessen, or take away any of the Rights or Powers of the Commissioners appointed under or by virtue of an Act of Parliament passed in the Forty-sixth Year of the Reign of His said late Majesty King *George* the Third for amending, altering, and enlarging the Powers of several Acts passed for paving, pitching, cleansing, and lighting the Streets and other Places within the City of *Bristol* and Liberties thereof. 46G:3. c.26.

LXXV. And be it further enacted, That in the Construction of this Act the Word "Oath" shall extend to and include the Affirmation of a Quaker, Separatist, or Moravian; and every Word importing the Singular Number or Masculine Gender only shall (unless there be something in the Subject or Context repugnant to such Construction) be construed to mean and include Two or more Persons or Things, and a Female as well as a Male. Construction of Words.

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

The SCHEDULE herein-before referred to.

TABLE of Fees payable on and for all Ships and other Vessels upon every Arrival at the Quay and Back of Bristol, Saint Augustine's Back, Redcliff Backs, the Quay in the Parish of Clifton called the Merchants' Floating Dock, the Banks of the River Avon, and every Part of the Floating Harbour within the City and County of Bristol, or any or either of such Places.

	<i>s.</i>	<i>d.</i>
For every Ship or other Vessel of or above the Burthen of Sixty Tons (except Boats, Trows, and Barges) - - - - -	5	0
For every Ship or other Vessel under the Burthen of Sixty Tons (except as aforesaid) - - - - -	2	6
For every Boat, Trow, or Barge - - - - -	0	4

But that after the Fee applicable to any Ship or Vessel upon her arriving at or coming to any of the Places aforesaid shall have been paid, no further Fee shall be demandable for such Ship or Vessel, although she may be afterwards removed, shifted to, or berthed in any other Place within the Limits aforesaid.

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