



ANNO SEXTO

GEORGII IV. REGIS.

Cap. clxxxiv.

An Act for paving, cleansing, draining, lighting, watching, regulating, and improving the Town of *Cirencester*, and for disposing of certain Common and Waste Lands and Common Rights within the Parishes of *Cirencester* and *Preston*, and for making Drains through the said Parishes, and the Parish of *Siddington*, in the County of *Gloucester*.
[22d June 1825.]

WHEREAS the Town of *Cirencester*, in the County of *Gloucester*, is large and populous, and the Footpaths in several of the Streets, Lanes, public Passages and Places within the said Town are ill paved, and the said several Streets, Lanes, Passages, and Places are not sufficiently repaired, cleansed, drained, lighted, and watched, and are subject to various Obstructions, Nuisances, and Annoyances, and in many respects are incommodious and unsafe for Travellers and Passengers; and it would greatly tend to the Benefit, Convenience, and Safety of the Inhabitants of the said Town, and of Persons resorting thereto, and passing through the same, if the said Footways were properly paved, and the said several Streets, Lanes, Passages, and Places, were well and sufficiently repaired, cleansed, drained, lighted, watched, regulated, and otherwise improved, and all Obstructions, Nuisances, and Annoyances removed and prevented throughout the said Town: And whereas there are at or near *Watermoor*, within the Parish of *Cirencester* aforesaid, certain Open and Common or Waste Lands, of little Value in their present State, con-
[Local.] 61 Q taining

taining Six Acres and Eleven Perches or thereabouts: And whereas there is also within the Parish of *Cirencester* aforesaid, and the adjoining Parish of *Preston*, in the County aforesaid, a certain Common Meadow called *King's Mead*, containing Forty-three Acres Three Roods and Twenty-two Perches, or thereabouts; a Schedule of which Lands and Commons is hereunto annexed marked (A.): And whereas the Right Honourable *Henry Earl Bathurst* is Lord of the Manor of *Cirencester* aforesaid, and as such is entitled to the Right of Soil in all the Waste Lands within the same: And whereas the said *Earl Bathurst* and *Jane Master* Spinster, are entitled to the first Crop or Vesture of the said Common Meadow called *King's Mead*, according to the Proportion of their respective Lands in the same Meadow: And whereas the said *Earl Bathurst* and *Jane Master*, together with *Thomas Byrch*, *John Byrch*, *James Fielder Croome*, and various other Persons, are Proprietors of certain Messuages, Lands, and Hereditaments in the said Parish of *Cirencester*, and by reason thereof have or claim to have Common of Pasture for their Commonable Cattle in, through, and over the said Common Meadow called *King's Mead*, from the Twelfth Day of *August* to the Fifth Day of *April* in every Year, and in, through, and over the said Open and Common or Waste Lands, at or near *Watermoor* aforesaid, at all Times in the Year: And whereas it is expedient, and the several Persons interested in the said Open and Common or Waste Lands, and Common Meadow, had consented and agreed, that the said Open and Common or Waste Lands, or certain Parts thereof, as herein-after specified, and also the said Right of Common over the said Meadow called *King's Mead*, should be sold, or otherwise disposed of, and that the Monies to arise from such Sale, or other Disposal of the same, should be applied in aid of the Sums necessary to be raised for the Purposes of this Act: And whereas it is expedient that for the Purpose of more effectually draining the Streets, Lanes, public Passages and Places in the said Town, that Drains should be made and carried through the said Parishes of *Cirencester* and *Preston*, and also through the Parish of *Siddington*, in the County of *Gloucester*, into the River there; but the beneficial Purposes aforesaid 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 Lord of the Manor of *Cirencester* aforesaid, the Minister of the Parish, the Honourable *William Lenox Bathurst*, the Honourable *Seymour Thomas Bathurst*, the Proprietor of the Abbey Estate in *Cirencester* aforesaid, and the Steward and Bailiff of the said Borough, and the Land Steward or Agent of the Lord of the Manor respectively for the Time being, together with *Lord Apsley*, *Robert Anderson*, *Edmund Adams*, *Earl Bathurst*, *John Bedwell*, *George Bewir*, *George Sarmon Bewir*, *Devereux Bowly*, *Henry Bowly*, *Christopher Bowly*, *William Bowly*, *John Brewin*, *Richard Bowly*, *Thomas Byrch*, *John Byrch*, *Thomas Brown*, *Thomas Brown junior*, *Robert Brown*, *Augustus Keppel Baylis*, *Joseph Cripps*, *Edward Cripps*, *Charles Cripps*, *John Cripps*, *Robert Bennett Croome*, *James Fielder Croome*, *Theobald Augustus Dillon*, *Henry Date*, *George Edwards*, *John Ellis*, *Maurice Edwards*, *Thomas Fowler*, *Thomas Fowler junior*, *Robert Forshew*, *John Fisher*, *Benjamin Fisher*, *John Fox junior*, *Joseph Gillman*, *Richard Gregory*, *William Gregory*, *Richard Ansell Gegg*, *Thomas Haines*, *Joseph Howse*, *Richard Hall*, *John Hayward*, *Francis Hoare*, *Charles Hoare*, *George Hoare*,

Appoint-
ment of Com-
missioners.

Hoare, David Hoare, Thomas Hughes, Richard K. Habgood, Thomas Jenkins, Richard Lane, William Lawrence, Charles Lawrence, Thomas Lediard, Samuel Lediard, Robert Lyne, John Masters, John Masters junior, William Miller, Thomas Miles, William Miles, Joseph Mountain, Joseph Randolph Mullings, George Newmarch, Joseph Pitt, Henry Anthony Pye Clerk, John Richardson, Thomas Richardson, John Sanger, Mildred Sanger, William Search, Charles Southby, William Stevens, William Stevens junior, Timothy Stevens, Thomas Slatter, Daniel Sparkes, Alexander Smith, John Smith, George Smith, William Thompson, Daniel Trinder, Robert Tovey, Philip Watkins, David Whatley, David Whatley junior, Stephen Wilkins, Henry Wilkins, John Wilkins, Edward Wilbraham, William Webb, Charles Bruce Warner, Thomas Warner, Henry Wood Clerk, John Wood, Edmund Young, Daniel Zachary, and their Successors, to be elected and appointed in manner herein-after directed, shall be and they are hereby appointed Commissioners for paving, lighting, cleansing, draining, watching, and otherwise improving the Town of Cirencester, and for carrying this Act into Execution.

II. And be it further enacted, That it shall be lawful for the Commissioners hereby nominated, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding Seven in the whole, to be Commissioners for the Purposes of this Act, in addition to the Commissioners hereby appointed; and such Commissioners, so elected and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Power to
appoint ad-
ditional Com-
missioners.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall be in his own Right, or in the Right of his late or present Wife, in the actual Receipt, Possession, and Enjoyment of the Rents and Profits of Messuages, Lands, or Tenements within the Parish of Cirencester, of an Estate of Inheritance, or for Life or Lives, or for any Term of Years of Ninety-nine Years or upwards, either absolutely or determinable on any Life or Lives, of the yearly Value of Fifty Pounds above Reprizes, or be possessed of such Estate or Estates as last mentioned, and a Personal Estate jointly, or a Personal Estate alone, to the Amount or Value of One thousand five hundred Pounds, or shall be Heir Apparent of a Person seised of Lands or Tenements of Inheritance of the clear yearly Value of One hundred Pounds above Reprizes, nor unless he shall also be an Occupier of Lands, Tenements, or Hereditaments within the said Town, nor until he shall have taken and subscribed the Oath or Affirmation herein-after prescribed; (that is to say),

Qualification
of Commis-
sioners.

‘ I A. B. do swear, [*or being One of the People called Quakers, do solemnly*
‘ declare and affirm], That I am really and *bona fide*, in my own Right,
‘ [*or in the Right of my Wife, late or present, as the Case may be*], now
‘ in the actual Receipt and Enjoyment of the Rents and Profits of Mes-
‘ suages, Lands, or Tenements within the Parish of Cirencester, of an Estate
‘ of Inheritance [*or for Life or Lives, or for a Term or Terms of Years,*
‘ either absolutely or determinable on a Life or Lives, *as the Case may be*],
‘ of the clear yearly Value of Fifty Pounds above Reprizes and Incum-
‘ brances, [*or am Heir Apparent of a Person seised of Lands or Tenements*
‘ of Inheritance in the Parish of Cirencester, of the clear annual Value of

‘ One

‘ One hundred Pounds above Reprizes, [*or* am seised or possessed of Real
 ‘ or Personal Estate [*or* of both together] of the full Value of One
 ‘ thousand five hundred Pounds above the Payment of all my Debts];
 ‘ and that I will faithfully and impartially, according to the best of my
 ‘ Skill and Judgment, execute and perform all the Powers and Autho-
 ‘ rities reposed in me as a Commissioner by virtue of an Act passed in
 ‘ the Sixth Year of the Reign of His Majesty King *George* the Fourth,
 ‘ intituled *An Act* [*here set forth the Title of this Act.*]

‘ So help me GOD.

[*Or, being a Quaker, omit the Words ‘ So help me God.’*]

Which Oath or Affirmation any One of the said Commissioners is hereby empowered to administer; nor shall any Person be capable of acting as a Commissioner in the Execution of this Act who shall become Bankrupt, or hold any Place of Trust or Profit under this Act, or who shall be concerned or interested in any Contract under the Commissioners for executing this Act: Provided always, that the Qualification by Occupancy of Premises within the said Town shall not extend to the Justices of the Peace, nor shall they be required to take the Oath of Qualification by this Act directed to be taken by the Commissioners before they act in Execution thereof.

For electing
 Commissioners
 on Vacancies.

IV. And be it further enacted, That when and so often as the Commissioners herein named, or to be elected by virtue of this Act, shall die, or shall refuse or become incapable to act, or be disqualified to act, it shall be lawful for the surviving or remaining Commissioners, or any Seven or more of them, and they are hereby empowered from Time to Time as often as the same shall occur, to elect a Commissioner in the Place of every Commissioner so dying, refusing, or becoming incapable or disqualified to act, provided that Notice of the Time and Place of Meeting for every such Election be given by the Clerk to the said Commissioners, or by any Two or more of the said Commissioners, by affixing the same in Writing upon the principal outer Door of the Parish Church of *Cirencester* aforesaid, Fourteen Days at least before every such Meeting; and every such Person so from Time to Time elected shall have the same Powers and Authorities for putting this Act into Execution, in all respects whatsoever, as if he had been named a Commissioner in and by this Act.

Penalty on
 disqualified
 Persons
 acting.

V. And be it further enacted, That if any Person, not being so qualified, or being disqualified by any of the Causes aforesaid, or not having taken and subscribed the Oath aforesaid, or being a Quaker, made and subscribed the Affirmation aforesaid, shall act as a Commissioner in the Execution of this Act, every such Person shall for each such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons 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, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so sued or prosecuted shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act: Provided always, that all Acts and Proceedings of any Person
 acting

acting as a Commissioner in the Execution of this Act, although such Person shall not be duly qualified as aforesaid, previously to his being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person had been qualified according to the Directions of this Act; provided also, that it shall be lawful for such of the said Commissioners as shall be Justices of the Peace for the County of *Gloucester* to act as such Justices in the Execution of this Act within their respective Jurisdictions, notwithstanding their being Commissioners for executing this Act.

VI. And be it further enacted, That the said Commissioners shall meet at the Town Hall in *Cirencester* aforesaid, or at such other Place within the said Town as they may think fit, on the Second *Friday* next after the passing of this Act, or as soon after as conveniently may be, between Ten of the Clock in the Forenoon and One of the Clock in the Afternoon, and shall then proceed to carry this Act into Execution; and in case none, or a less Number than Seven of the said Commissioners, shall attend such Meeting, then such Meeting shall be and be deemed to be adjourned to the next Day (unless the next Day shall be a *Sunday*, then to the following *Monday*), and so *toties quoties*, until a sufficient Number of the said Commissioners shall attend at such Meeting to act in the Execution of this Act; and the said Commissioners shall or may at such Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn the Meeting, and appoint their next Meeting to be held at the same Place, or at such other Place within the said Town, and at such Time as the said Commissioners shall from Time to Time order and direct; provided that no Adjournment shall be made for a longer Time than Two Calendar Months; and if at any Meeting appointed to be held by virtue of this Act there shall not appear a sufficient Number of Commissioners to act, or the Commissioners appearing shall not adjourn such Meeting, then the Clerk to the said Commissioners shall from Time to Time, as often as such Case shall happen, adjourn such Meeting to some other Day within Ten Days then next following, to be holden at the same Place, and the said Clerk shall cause Notice thereof to be affixed to the Door of the Parish Church of *Cirencester* aforesaid, at least Seven Days before the Day to which such Meeting shall be so adjourned: Provided always, that no Business shall be done or proceeded upon by the said Commissioners at any Meeting (except the first Meeting to be held under this Act) before Ten of the Clock in the Forenoon, nor shall any Meeting be appointed to be held at any later Hour than One of the Clock in the Afternoon of the Day on which such Meeting may be appointed to be holden; and at all their several Meetings the said Commissioners shall pay and defray all their own Expences, except any Sum not exceeding Ten Shillings a Day for the Use of the Room wherein they shall meet for the Purposes of this Act.

Meetings of
the Com-
missioners.

VII. And be it further enacted, That all Orders and Determinations of the said Commissioners in the Execution of this Act shall be made at a Meeting or Meetings to be held in pursuance hereof, and not otherwise, (except in Cases hereby otherwise provided for), and no Order or Determination shall be made unless the major Part of the Commissioners present at the respective Meetings to be holden in pursuance of this Act

All Acts to
be done at
Meetings.

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shall

shall concur therein; and all Acts, Orders, and Proceedings relating to the Execution of this Act, which are hereby directed to be had, made, done, or exercised by or before the said Commissioners, and all other Powers and Authorities hereby in them vested generally, shall and may be had, made, done, and exercised by the major Part of the Commissioners who shall be present at the respective Meetings to be held by virtue of this Act, the whole Number of Commissioners present at any such Meeting not being less than Seven (except in Cases in which any other Number is by this Act named for any particular or special Purpose); and all Acts, Orders, and Proceedings had, made, or done by or before such Seven Commissioners, shall have the same Force and Effect, and be binding and conclusive on all Persons, and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or executed by or before all the said Commissioners; and at every Meeting of the said Commissioners a Chairman shall in the first Place be appointed, who in case of an equal Number of Votes (including such Chairman's Vote) shall have the casting or decisive Vote: Provided always, that no Commissioner shall be entitled to vote upon any Question wherein he shall be personally interested, except as a Creditor on the Rates or Assessments to be made by virtue of this Act; provided also, that no Order or Determination made at any Meeting of the said Commissioners, once made, agreed upon, or entered into, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to make such Revocation or Alteration shall have been given at a previous Meeting holden pursuant to this Act, and shall have been entered in the Book of Proceedings of such Meeting, and unless such Notice, signed by any Seven or more Commissioners, shall have been affixed to the Door of the Parish Church of *Cirencester* aforesaid, at least Seven Days before such Meeting, nor unless such Revocation or Alteration shall be agreed to be made by Fourteen Commissioners at the least.

Meetings on
Emergen-
cies.

VIII. And be it further enacted, That if after any Adjournment of any Meeting of the said Commissioners it shall on any Emergency be thought necessary that an earlier Day of Meeting should be appointed, it shall be lawful for any Seven or more of the said Commissioners (or for their Clerk, being authorized by an Order in Writing signed by Seven or more of them, although not assembled at a public Meeting), mentioning the Time, Place, and Purpose of such Meeting, to appoint and give Notice of such earlier Meeting in the Manner before directed, such Time not being less than Seven Days after such Notice, and all Proceedings of the Commissioners at such earlier Meeting relating to the particular Subject on which such Meeting shall be called, shall be as valid as they would have been in case the Commissioners had met in pursuance of an Adjournment, and such earlier Meeting shall and may be adjourned to and be held at such Time and Place as any other Meeting under this Act is authorized to be adjourned to or held at.

Proceedings
to be entered.

IX. And be it further enacted, That the said Commissioners shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of the Names of all the Commissioners who shall attend the respective Meetings, and of all Acts, Orders, and Proceedings relative to the Execution of this Act; and the Chairman of each Meeting of the said Commissioners shall always subscribe his Name at the

End of the Proceedings of the said Commissioners at every such Meeting; which said Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments of the Rates or Transcripts thereof, shall and may be read in Evidence in all Causes, Suits, and Actions touching any thing done in pursuance or by virtue of this Act.

X. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, and expended for or on account of the Purposes of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book or Books shall at all reasonable Times be open to the Inspection of the said Commissioners, and every Creditor of the Rates hereby authorized to be made, and of every Person paying any Rate or Assessment hereby authorized, or otherwise affected thereby, without Fee or Reward; and the said Commissioners, Creditors, and other Persons aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Commissioners, Creditors, or Persons aforesaid, to inspect the same, or take Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Default, to be levied, recovered, and applied in manner herein-after provided.

Accounts to be kept of Receipts and Disbursements, which shall be open to Inspection.

XI. And be it further enacted, That a Meeting of the said Commissioners shall be held on the First *Friday* in the Month of *January* yearly, at the Place herein-before mentioned or to be appointed as aforesaid, at which the Accounts of all Monies received and paid from Time to Time by virtue or in execution of this Act, by any Person or Persons whomsoever, shall be produced and stated to and examined and settled by the said Commissioners.

Annual Meeting for auditing Accounts, &c.

XII. And be it further enacted, That the said Commissioners shall immediately after such Accounts and Statements have been examined and settled, cause a sufficient Number of Copies of such Statements to be printed, and direct their Clerk to transmit a Copy thereof to each acting Commissioner, having duly qualified himself to act as a Commissioner under this Act.

Accounts to be printed.

XIII. And be it further enacted, That the said Commissioners shall and may, at their First or any subsequent Meeting, elect and appoint a Treasurer or Treasurers, Clerk or Clerks, Assessor or Assessors, Collector or Collectors of the Rates or Assessments herein-after mentioned, and also a Surveyor or Surveyors of the Highways and Streets, and Scavenger or Scavengers, and such other Officers as the said Commissioners shall think proper for the Execution of this Act, and may from Time to Time remove them, or any of them, and appoint others in the Room of those removed, or of such as shall otherwise relinquish or discontinue, or be incapable

Appointment of Officers.

incapable of performing their respective Offices ; and out of the Monies to be raised by virtue of this Act shall and may make and pay such Salaries, Wages, and Allowances to the said Officers and other Persons as the said Commissioners shall think reasonable ; and the said Commissioners shall and they are hereby required to take such sufficient Security from every such Treasurer and other Officer for the due Execution of his and their respective Offices as the said Commissioners shall think proper ; and all such Officers and Persons so to be appointed as aforesaid shall under their Hands (at such Time or Times and in such Manner as the said Commissioners shall direct), at least once in every Three Months, deliver to the said Commissioners, or to such Person or Persons as they shall appoint, a true and perfect Account or Accounts in Writing of all Matters and Things committed to their Charge, and of all the Monies which shall have been by such Officers and Persons respectively received by virtue of or for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, and to whom, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same ; and if any such Officers or Persons shall refuse or wilfully neglect to deliver any such Accounts as aforesaid, or to produce and deliver up the Vouchers relative to the same, or to make Payment as aforesaid, or shall neglect or refuse to deliver to the said Commissioners, or to such Person or Persons as they shall appoint, within Ten Days next after being thereunto required by the said Commissioners, by Notice in Writing given to or left at the last or usual Place of Abode of any such Officer or Person, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Commissioners respecting the same, then and in any of the Cases aforesaid, the said Commissioners may and are hereby authorized and empowered to bring or cause to be brought an Action or Actions in any of His Majesty's Courts of Record at *Westminster*, against the Officer or Person so neglecting or refusing as aforesaid, in order to the Recovery of the Monies which shall be in the Hands of such Officer or Person, with full Costs of Suit ; or if Complaint shall be made by the said Commissioners, or by such Person or Persons as they shall appoint for that Purpose, to any One or more Justice or Justices of the Peace, such Justice or Justices may, and is and are hereby authorized and required, by a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to cause the Officer or Person so neglecting or refusing to be apprehended and brought before him or them, and upon his appearing, or in case the Constable or other Officer to whom such Warrant or Warrants shall be directed shall make return on Oath that he or they is or are not to be found, then and in either such Case the said Justice or Justices shall and may hear and determine the Matter in a summary Way ; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, or in case of a Quaker, upon his Affirmation (which Oath and Affirmation such Justice or Justices is or are hereby empowered to administer), it shall appear to such Justice or Justices that any of the Money which shall have been raised, received, or collected under or by virtue of this Act, shall be in the Hands of such Officer or Person, or be unaccounted for, such Justice or Justices may and is and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants

rants under his or their Hand and Seal or Hands and Seals, to cause such Money and all Charges to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person, and paid to the said Commissioners, or as they shall appoint; 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 aforesaid, or if it shall upon such Hearing appear by such Confession or Testimony as aforesaid, to such Justice or Justices, that any such Officer or Person hath neglected or refused to deliver any such Account as aforesaid, or to produce and deliver up the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act are in the Custody or Power of any such Officer or Person, and he hath neglected or refused to deliver or give Satisfaction respecting the same as aforesaid, then and in any of the Cases aforesaid such Justice or Justices shall commit every such Offender or Offenders to the Common Gaol or House of Correction, there to remain without Bail or Mainprize until he shall have made Payment to the said Commissioners, or to whom they shall appoint, of such Money as aforesaid, or shall have compounded with the said Commissioners for the same, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners are hereby empowered to make and receive), or until he shall have delivered up every such Account as aforesaid, or produce and deliver up such Vouchers, Books, Papers, and Writings as aforesaid, or shall deliver or have given Satisfaction in respect thereof, according as the Circumstances of each respective Case shall require: Provided always, that no such Person who shall be committed 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, Officers or Persons, the Commitment of him or them to Prison shall not be deemed a Discharge for the same, nor exonerate his or their Surety or Sureties, but such Officer or Person, Officers or Persons, and his and their Surety or Sureties, shall remain liable to the Payment thereof, in the same Manner as if such Officer or Person, Officers or Persons, had not been committed to Prison.

XIV. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Commissioners; and if any Person shall act in both the Capacities 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 act as 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,

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shall

Clerk restrained from acting as Treasurer, and vice versa.

shall act as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place of Profit or Trust under this Act other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same; to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster* or elsewhere, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

Commissioners may sue and be sued in the Name of their Clerk, &c.

XV. And be it further enacted, That the said Commissioners may sue and be sued for or concerning any thing which shall be done by virtue or in pursuance of this Act, or for or concerning any Matter or Thing relating or incident to the obtaining and passing of this Act, in the Name of their Clerk for the Time being, or in the Name of any one of the said Commissioners; and no Action or Suit to be brought or commenced by the Direction of or against the said Commissioners by virtue of this Act, in the Name of their Clerk or of such Commissioners, shall abate or be discontinued by the Death, Resignation, Removal, or Default, or by the Act of any such Clerk or Commissioner, without the Consent of the said Commissioners, but the Clerk for the Time being to the said Commissioners, or any of such Commissioners, shall be always deemed Plaintiff or Defendant in such Action or Suit (as the Case may require): Provided always, that any such Clerk or Commissioner in whose Name any Action or Suit shall be commenced, sued, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expences as he shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant as aforesaid: Provided always, that such Clerk or Commissioner shall not, by reason of his being so made Plaintiff or Defendant, be deemed an inadmissible Witness in any such Action or Suit, unless it be on his own personal Account.

Commissioners to cause the Streets to be paved and repaired.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners to cause the present and future Streets, Lanes, Entries, Brooks, Watercourses, and other public Passages and Places within the said Town, or any Part or Parts thereof, as well the Carriage as Footways, to be pitched, paved, flagged, or otherwise repaired and amended, and the same Pavements, Pitching, Flagging, and the Materials thereof, to be taken up and relaid, and the Ground thereof to be raised, lowered, or altered, in such Manner as the said Commissioners shall think fit; and it shall be lawful for the said Commissioners to take up or remove, or cause to be taken up and removed, all or any Posts, Rails, Steps, Spouts, Pales, Trees, or Fences, or other Erections or Projections in such Streets, Lanes, Passages, or Places, or any of them, as they the said Commissioners shall judge to be an Obstruction or Nuisance to Foot Passengers, Horses, or Carriages, or to erect or set up any Posts, Rails, Steps, Spouts, Pales, Fences, or Buildings as they shall think proper, for the better Security of Passengers, Horses, or Carriages, or of the said Pavements or Curbstones from Damage; and the Expences attending such pitching, paving, flagging, renewing, and repairing, shall at all Times be payable and paid out of the Monies to be raised by virtue of this Act.

XVII. And

XVII. And be it further enacted, That from and after the passing of this Act, all and every Person and Persons who shall be assessed under or by virtue of this Act for or in respect of any Messuages, Lands, Tenements, or Hereditaments within the Limits of this Act, shall be, and they, he, and she, are and is hereby exonerated, released, and for ever discharged from the Performance of Statute Duty for the Repairs of the public Highways within the said Parish of *Cirencester*, and from the Payment of any Composition Money in lieu of such Statute Duty, and from all Rates and Assessments for the Repairs of the said Highways within the said Parish, for or in respect of such Messuages, Lands, Tenements, or Hereditaments within the Limits of this Act; and all Messuages, Lands, Tenements, or Hereditaments, situate or being without or beyond the Limits of this Act, and the Owners and Occupiers thereof, shall be and they are hereby released, exonerated, and for ever discharged from the Performance of Statute Duty for the Repairs of the public Highways within the Limits of this Act, and from all Composition Money in lieu thereof, and from all Rates and Assessments for the Repairs of such Highways, for or in respect of such Messuages, Lands, Tenements, or Hereditaments situate without or beyond the Limits of this Act: Provided always, that nothing in this Act contained shall extend or be construed to extend to release, exonerate, or discharge the Trustees or Commissioners of Turnpike Roads within the Limits of the said Town from the Repairs of the said Turnpike Roads within the Limits of the said Town, for and during the Term of Five Years from the passing of this Act; and from and after the Expiration of the said Term, all Streets and Highways within the said Town shall cease to be Part of any Turnpike Road, and no Trustees of any Turnpike Road shall be bound to contribute towards the Repairs thereof.

Statute Duty, &c. to be no longer required within the Town.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby fully authorized and empowered, from Time to Time to widen and improve the Course or Path of any of the several and respective Roads under their Care and Management, or of any Part or Parts thereof; and it shall and may be lawful for the said Commissioners, and for their Surveyor or Surveyors and Workmen for the Time being, with or without Carriages or Cattle, from Time to Time to enter upon any private Lands, Tenements, or Hereditaments (not being a Yard, Garden, Orchard, Nursery for Trees, Walk, or Avenue to a House), through or over which the widened Part of the said Road shall pass or be intended to pass or be made, and to stake out and make the same in such Manner as the said Commissioners shall think necessary or proper, without being thereby subject or liable to be deemed a Trespasser or Trespassers, or to any Fine, Penalty, or Forfeiture for entering or continuing upon any Part or Parts of such Lands, Tenements, and Hereditaments respectively, for the Purposes last aforesaid.

Commissioners may widen, &c. the Roads.

XIX. And be it further enacted, That the Owners or Occupiers of the Lands next adjoining to any of the Highways within the said Town, shall cut, prune, and trim their Hedges to the Height of Six Feet from the Surface of the Ground, and also cut down, prune, or lop the Branches of Trees, Bushes, and Shrubs growing in or near such Hedges or other Fences adjacent thereto, (such Fences, Trees, Bushes, or Shrubs not being in any Garden, Orchard, Plantation, Walk, or Avenue to a House, nor

Commissioners may prune Trees in Roads.

any

any Tree, Bush, or Shrub being an Ornament or Shelter to a House), in such Manner that the said Highways shall not be prejudiced by the Shade thereof, and that the Sun and Wind may not be excluded therefrom; and if such Owner or Occupier shall not, within Ten Days after Notice given by any Three of the Commissioners, or their Surveyor for that Purpose, cut, prune, and trim such Hedges, or cut down, prune, or trim such Branches of Trees, Bushes, and Shrubs in manner aforesaid, it shall be lawful for any Three of the said Commissioners or their Surveyor to make Complaint thereof to some Justice of the Peace, who shall summon the Occupier of such Lands before him to answer the said Complaint; and if it shall appear to such Justice that such Occupier has not complied with the Provisions of this Act for cutting, lopping, pruning, or trimming such Trees, Bushes, and Hedges as aforesaid, it shall and may be lawful for such Justice, upon hearing the Commissioners or their Surveyor and the Occupier of such Land or his Agent, (or in default of his or her Appearance, upon having due Proof of the Service of such Summons), and considering the Circumstances of the Case, to order such Hedges to be cut, trimmed, and pruned, and such Branches of Trees, Bushes, and Shrubs to be cut down, or pruned, or trimmed in such Manner as may best answer the Purposes aforesaid; and if the Occupier of such Land shall not obey such Order within Ten Days after it shall have been made, and he or she shall have had due Notice thereof, he or she shall forfeit for every Twenty-four Feet in Length of such Hedge which shall be so neglected to be cut, trimmed, and pruned, the Sum of Two Shillings, and the Sum of Two-pence for every Tree, Bush, or Shrub which shall be so directed to be cut down, pruned, or trimmed; and the said Commissioners, or their Surveyor, in case of such Default made by the Occupier, shall and may cut, prune, and trim such Hedges, and cut down, prune, or trim such Branches of Trees, Bushes, and Shrubs in the Manner directed by such Order, and such Occupier shall be charged with and pay, over and above the said Penalties, the Charges and Expences of doing the same, or in default thereof, such Charges and Expences shall be levied, together with the said Forfeitures, upon his or her Goods and Chattels; by Warrant from a Justice of the Peace, in such Manner as is herein-after directed or authorized for the levying and recovering of Forfeitures or Penalties for Offences against this Act.

To prevent
Nuisances on
or near the
Highways,
&c.

XX. And be it further enacted, That it shall be lawful for the said Commissioners, and the Surveyor or Surveyors for the Time being to be appointed by them, to remove and prevent all Annoyances on every Part of the Highways within the said Town, occasioned by Filth, Dung, Manure, Ashes, Rubbish, or any other Matter or Thing whatsoever, being laid, thrown, or placed upon any of the Highways within the said Town, or upon the Sides of the Road, within Eighty Feet of the Centre thereof, and dispose of the same for the Benefit of such Road, in case the Owner thereof shall neglect to remove the same within Three Days after Notice in Writing, signed by any Three of the said Commissioners, or their Surveyor for the Time being as aforesaid, given to or left at the usual Place of Abode of such Owner for that Purpose; and to turn any Watercourses, Sinks, or Drains running into, along, or out of any of the aforesaid Highways to the Prejudice of the same, and to open, scour, and cleanse any Watercourses or Ditches adjoining to any Highways, and make the same as deep and large as they shall think proper and necessary,

in case the Owners or Occupiers of the adjoining Lands shall neglect to open, scour, or cleanse such Watercourses or Ditches after Five Days Notice in Writing given for that Purpose; and the Charges thereof, and of removing any Annoyances, to be settled by any Justice or Justices of the Peace, shall be reimbursed to the said Commissioners or their Surveyor by such Owners or Occupiers, and the same shall be recovered in such Manner as Penalties and Forfeitures are herein directed to be recovered; and if, after the Removal of any such Annoyances, any Person shall again offend in the like Kind, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners, or their Surveyor, by their Authority in Writing, but not otherwise, to search for, cut, dig, get, gather, and take away any Stones, Gravel, Sand, or other Materials for making or repairing and maintaining the Highways, Streets, Lanes, Paths, or Passages within the said Town, out of or from any Common or Waste Ground, or any Common River or Brook within the said Parish of *Cirencester*, or in any Parish, Township, Hamlet, Division, or Place adjoining thereto, without paying any thing for the same, they the said Commissioners or Surveyor filling up or fencing the Pits or Quarries, so that the same shall not be dangerous to Passengers or Cattle; and in case a sufficient Quantity of such Materials cannot be found or had in or upon any such Waste Grounds or Commons, or in any such common River or Brook, it shall be lawful for the said Commissioners, or their said Surveyor, or any other Person appointed by them, by Order of any Justice of the Peace, to be made upon the Application of the said Commissioners, to search for, dig, get, and carry away any such Materials in, out of, or from the inclosed Lands or Grounds of any Person situated within the Parish of *Cirencester*, or in any Parish or Place adjoining thereto, where the same may be had or found, such Lands or Grounds not being a Garden, Yard, Orchard, Nursery for Trees, Walk, or Avenue to a House, the said Commissioners making or tendering to the Owners or Occupiers thereof such Satisfaction for the Value of such Materials, or for the Damages thereby done to the Lands or Grounds where or from whence the same shall be cut, dug, got, gathered, and carried away, or over which the same, or any other Materials for such making and repairing shall be carried, as the said Commissioners, or the Person acting on their Behalf, shall judge reasonable; and in case of any Difference between the said Commissioners, or Person acting on their Behalf, and the Owners and Occupiers of such Lands and Premises concerning such Damage, it shall be lawful for any Two or more of His Majesty's Justices of the Peace, in a summary Way, to hear, settle, and determine the Matters of such Payment or Damages.

Power to get
Materials :

XXII. Provided always, and be it further enacted, That no such Materials as aforesaid, lying within the Distance of One hundred and fifty Yards from any Bridge, Mill, Mill Weir, or Dam, shall be dug for, gotten, or taken away on any Account or Pretence whatsoever.

But not
within a cer-
tain Distance
of any Mills,
&c. :

XXIII. Provided also, and be it further enacted, That it shall not be lawful for the said Commissioners, or any Surveyor or other Person

Nor from any
inclosed
Lands or
under

[Local.]

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under

Grounds till
Notice shall
have been
given.

under their Authority, to dig, gather, get, take, or carry away any Materials for the Purposes aforesaid out of or from any inclosed Lands or Grounds, until Notice in Writing, signed by Seven or more of the said Commissioners, shall have been given to the Owner or Occupier of such Lands and Premises, or left for such Owner or Occupier at his or her usual Place of Residence, to appear before Two or more Justices of the Peace, to show Cause why such Materials shall not be had or taken from such Lands or Grounds; and in case such Owners, Occupiers, or their Agents, shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Commissioners, or such Persons as they shall appoint for the Purpose, to dig, get, gather, and carry away such Materials, at such Time or Times as to such Justices shall seem proper; and if such Owners or Occupiers shall neglect or refuse to appear in Person, or by their respective Agents, pursuant to such Notice, the said Justices shall (upon Proof on Oath of the Service of such Notice) make such Order in the Premises as they respectively shall think fit, so that the same be made in Writing, as fully and effectually as though such Owners or Occupiers had attended.

Penalty on
taking away
Materials.

XXIV. And be it further enacted, That if any Person shall remove or take away any Materials laid upon such Streets, Lanes, Paths or Passages, or adjoining to any of them, for the Repairs thereof, without the Order of the said Commissioners, or of their Surveyor, or shall take away any which shall have been dug or gathered by the Order of the said Commissioners or their Surveyor, or the said Justices, in any Lands or Premises, for the Purposes of amending and repairing such Highways, Streets, Lanes, Paths, or Passages, or out of any Pit or Quarry which shall have been made for the Purpose of getting such Materials, before the said Commissioners or their Surveyor shall have discontinued working therein for the Space of Three Calendar Months (except the Owner or Occupier of the said Land or Premises wherein such Pit or Quarry shall be made, for his or her own private Use only, and not for Sale), every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Town Drains.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners, or their Surveyor or Surveyors, or other Person or Persons by their Order, to make Common Sewers, Drains, or Watercourses in any of the Streets, Lanes, Lands, Grounds, Entries, or other public Passages and Places within the said Parish of *Cirencester*, and also within the adjoining Parishes of *Preston* and *Siddington* in the said County of *Gloucester* (with the Consent of the Owners or Proprietors of Estates in the said Parishes of *Preston* and *Siddington* into or through which the same shall be carried or conveyed), for the Purpose of carrying or conveying Water and Refuse from the said Town into the Brooks, Watercourses, or Rivers, or otherwise, within the same Parishes or either of them; and to cleanse, alter, widen, stop up, and amend such Sewers, Drains, or Watercourses, in such Manner as they shall from Time to Time think necessary.

Street
Drains.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners, or for their Surveyor by their Order, from Time to Time

as Occasion shall require, to cause Drains and Sewers to be made in any of the said Streets, Lanes, Entries, public Passages and Places in which there shall be any Common Drains, Common Sewers, or Watercourses, for conveying the Water from such Streets, Lanes, Entries, and public Passages and Places, into the said Common Drains, Common Sewers, or Watercourses, at the Costs and Expence of the Owners or Occupiers of Property lying within or adjoining or near to such Streets, Lanes, Entries, public Passages and Places; and in case any of such Owners or Occupiers shall refuse or neglect, for the Space of Fourteen Days next after Demand made by the Surveyor to the said Commissioners, either personally or by Writing, to be left at the usual Place of Abode of such Owner or Occupier, to pay such Costs and Expences, the same shall and may be recovered and applied in the same Manner as any Penalty under this Act may be recovered and applied.

XXVII. And be it further enacted, That all the present and future Pavements, Curbstones, Flagstones, Stones, Pebbles, Gravel, and other Materials of the several present and future public Streets, Lanes, Roads, Passages, and other public Places in the said Town, and all the present and future public Drains, Ditches, Sewers, Tunnels, Gutters, Grates, and Sinks, Pumps, Wells, Pipes, Posts, Pillars, Pilasters, Lamp Irons, and Lamps therein, and all other Articles, Matters, and Things now and at any Time and Times hereafter appertaining or belonging to the said Pavements, Pumps, Wells, Pipes, Posts, Pillars, Pilasters, Irons, and Lamps, and every of them, within the Streets, Lanes, and other public Places of the said Town, shall be held by and deemed to belong to and be the Property of the said Commissioners, and the same are hereby vested in the said Commissioners; and the said Commissioners shall and may cause any Action to be brought, or direct any Bill of Indictment to be preferred, as the Case may require, against any Person who shall steal, take, or carry away, detain, destroy, deface, damage, or injure the several Articles, Matters, and Things so hereby vested in the said Commissioners, or any Part thereof; and in all such Actions and Bills of Indictment respectively, it shall be sufficient to state generally, that the Article, Matter, or Thing for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment shall be preferred, is or are the Property of the Commissioners for paving, lighting, cleansing, draining, watching, and otherwise improving the Town of *Cirencester*, without stating or specifying the Names of all or any of the said Commissioners.

Vesting
Pavements,
Drains, &c.
in Commis-
sioners.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, to cause the Streets, Lanes, Passages, and other public Places within the said Town, to be well and effectually lighted, either with Oil or with Gas, or otherwise, at such Seasons and Times as the said Commissioners shall judge proper; and for that Purpose the said Commissioners are hereby also empowered, if they shall think it expedient so to do, to purchase or rent from any Person willing to sell or let the same, any Buildings, Erections, or Lands within the said Town, not exceeding Two Stature Acres, for the Purpose of erecting and making suitable Buildings and Apparatus therein and thereon for the manufacturing of Gas; and also to break up the Soil or Pavement of any of the Footways or Carriageways of any of the said Streets, Lanes, or other public Passages or Places, and to cause Mains or Pipes for the Conveyance

Power to
light Streets.

Conveyance of Gas to be laid and carried along, through, and under all, any or either of the Streets, Lanes, Passages, and other public Places within the said Town; and to cause such and so many Lamp Irons, Lamp Posts, Pillars, Pilasters, and Pipes, as they shall judge necessary, to be affixed or set up into, upon, or against any of the Walls or Palisadoes of any of the Houses or Buildings, or any other Walls or Fences within the same, or in or upon any of the Carriageways or Footways within the said Town, in such Situations, and at such Distances, and in such Manner as the said Commissioners shall think proper; and to cause so many Glass or other Lamps, with such Sorts of Burners, Reflectors, or other Apparatus, and of such Dimensions, Constructions, and Qualities as the said Commissioners shall judge proper, to be provided and affixed upon or to such Iron Posts, Pillars, Pilasters, and Lamps, or any of them, to be from Time to Time taken down, removed, altered, repaired, renewed, or replaced, when and as often as they shall think proper; and to cause such Lamps, or any of them, to be lighted at such Seasons of the Year, on such Evenings, and at such Hours of the Evening, and to be kept burning for so many Hours as shall be thought expedient by the said Commissioners; and from and after the laying and fixing such Mains or Pipes, Posts, Pillars, Pilasters, Irons, and Lamps, the same and every of them shall be held and deemed to belong to and be the Property of the said Commissioners, and the same are hereby vested in the said Commissioners for the Time being.

Power to contract for Lighting.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to contract and agree with any Company, or Body or Bodies Politic or Corporate, or with any other Person or Persons, to light the said Streets, Lanes, Passages, and other public Places, or any of them, with Oil or with Gas, or otherwise, as to the said Commissioners shall from Time to Time seem proper and expedient, and to provide and set up all necessary Lamps, Lamp Posts, Lamp Irons, and other Works necessary for such Purposes.

Gas Pipes not to be affixed to any House, &c. without Consent.

XXX. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or any other Person or Persons, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building or Premises therein, to carry, lay, or fix or continue any Pipe or Pipes, or other Thing for the Conveyance of the said Gas or Inflammable Air, into, through, or against any Dwelling House or Houses, or private Buildings, or any private Lands or Hereditaments and Premises, or so to continue the same, without the Consent in Writing of the Owner and Occupier of every such Dwelling House, Building, Lands, Tenements, and Hereditaments respectively for that Purpose first had and obtained.

Commissioners empowered to let out Gas Lights.

XXXI. And be it further enacted, That in case the said Commissioners shall deem it expedient to erect such Gas Apparatus, and to light the said Streets, Lanes, and other public Passages and Places, or any of them, with Gas or Inflammable Air, without contracting for the same as aforesaid, it shall be lawful for the said Commissioners, after sufficiently lighting such Streets, Lanes, Entries, and other public Passages and Places, to let out

out or grant to any Person or Persons whomsoever who shall be willing to take the same, any Light or Lights, or Argand, Cockspur, Batwing, or any other Kind of Burner or Burners, and to supply the same with Gas or Inflammable Air, upon such Terms and Conditions, and at such annual Rents for the same, and in such Manner as they the said Commissioners shall from Time to Time think proper; provided nevertheless, that all Money to proceed therefrom or arise thereby be in the first Instance applied to defray the Expences of the Gas Apparatus and other Things connected therewith, and if there shall be any Overplus, then the same shall be applied generally for the Purposes of this Act.

XXXII. And be it further enacted, That in case any Person or Persons who shall contract with the said Commissioners, or otherwise agree to take, or shall use or enjoy the Benefit of the said Gas in their private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, shall refuse or neglect for the Space of Ten Days after Demand, to pay the Sum or Sums then due for the same to the said Commissioners, according to the Terms and Stipulations of the said Commissioners, it shall be lawful for the said Commissioners, or their Clerk or Clerks, or any Person or Persons acting by or under their Authority, by Warrant under the Hand and Seal of any Justice of the Peace for the said County, to levy the said Sum or Sums of Money in respect whereof such Neglect or Refusal shall happen, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) to such Person or Persons so refusing or neglecting, after the necessary Charges of making such Distress and Sale shall be first deducted.

XXXIII. Provided always, and be it further enacted, That if any Injury or Damage shall be occasioned to any Rail, Building, or Wall by the affixing, setting up, taking down, altering, or removing any Lamp or Lamp Iron, or other Fastening thereof, the said Commissioners shall immediately cause the said Injury or Damage to be well and sufficiently repaired, and the Expences attending the same shall be paid out of the Money to be raised by virtue of this Act: Provided also, that in case the said Commissioners shall enter into any Contract with any Company, or Body Politic or Corporate, or any other Person or Persons, for the lighting the said Streets, Lanes, Entries, and other public Passages and Places with Gas, the said Company, or Body Politic or Corporate, or other Person or Persons so contracting to light as aforesaid, shall, in the supplying of such Gas, or in the laying or repairing any Pipes, Plugs, or other Works or Apparatus, do as little Damage as may be, and shall forthwith fill in the Trenches, and make good the Pavements and Roads, and carry away the Rubbish occasioned thereby, and shall in the meantime sufficiently fence or guard and affix Lights during the Night at or near the Place or Places where any Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, or Carriages; and if after such Pavements or Roads shall have been so repaired and made good, the same shall within Six Calendar Months thereafter give way, or require relaying or repairing in consequence of such Pavements or Roads having been broken up for the Purpose of laying down such Pipes, Plugs, or other Apparatus, the same shall be forthwith done and performed by and at the Expence of the said Company, or Body Politic or Corporate, or other Person or Persons

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Recovery of Rent.

Commissioners to repair Damage done to Walls, &c. by affixing Lamp Irons, &c.

as aforesaid; provided also, that if there shall be any wilful or negligent Delay in the said Company, or Body Politic or Corporate, or any of their Agents or Servants, or any such other Person or Persons, in filling in such Ground, or removing Rubbish, or making good any such Pavements or Roads, or in case the same shall be imperfectly repaired, or in case the Ground so opened shall not be sufficiently fenced or guarded and lighted, then and in every such Case it shall be lawful for the said Commissioners, or their Surveyor or Surveyors, or other Person or Persons as aforesaid, to fill in such Ground, and remove such Rubbish, and repair and make good the Pavement of any such Street, Lane, Entry, public Passage, or other Place so broken up, and properly to fence or guard any such Trench or Excavation, and to place and maintain such Light or Lights during the Night as to him or them shall seem necessary, and the reasonable Costs and Charges thereof shall be paid by the said Company, or Body Politic or Corporate, or their Treasurer or Treasurers, or by such other Person or Persons as aforesaid, and in default of Payment thereof for Thirty Days next after Demand made for the Payment thereof (Proof of such Demand being made by the Oath of One or more credible Witness or Witnesses before One or more Justice or Justices of the Peace; such Justice or Justices not being interested in the Matter in question), all such reasonable Costs, together with any Sum not exceeding Five Pounds by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, or other Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by a Warrant under the Hand and Seal of any such Justice or Justices, and which Warrant such Justice or Justices is and are hereby required to grant; and such Penalties, Costs, Charges, and Expences, shall be paid to such Commissioners or their Surveyor.

Pipes to be removed from Dwelling Houses on Notice.

XXXIV. Provided always; and be it further enacted, That in case any Pipe, Cock, or Branch shall be carried or laid from any Main or Pipe of the said Commissioners, Company or Companies, Body or Bodies, or other Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building or Premises therein, into or through or against any private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground, for the Purpose of lighting the same, or any other Dwelling House, Manufactory, Building, Yard, or Ground, in pursuance and conformably to the Powers and Authorities in this Act contained, and the Owner or Occupier of any such private Dwelling House, Manufactory, Warehouse, Wharf, Building, Yard, or Ground, into or through or against which such Pipe, Cock, or Branch shall pass or be laid, shall be desirous that the same Pipe, Cock, or Branch shall be altered or removed and taken away, and of such his or her Desire shall give Notice in Writing to the said Commissioners, Company or Companies, Body or Bodies, or other Person or Persons as aforesaid, then and in every such Case the said Commissioners, Company or Companies, Body or Bodies, or other Person or Persons, shall within Seven Days after the Receipt of such Notice alter or remove and take away, or cause to be altered or removed and taken away, all or any such Pipes, Cocks, and Branches as shall have been so introduced and laid therein or thereupon, from any such Main of the said Commissioners, Company or Companies, Body or Bodies, or other Person or Persons as aforesaid;

aforesaid; and in default thereof it shall and may be lawful to and for such Owner, Occupier, or any other Person or Persons acting under his or her Authority, to cause such Pipes, Cocks, and Branches to be altered, or removed and taken away, as the Case may require, and the Costs and Expences of such Removal shall be recovered from the said Commissioners, Company or Companies, Body or Bodies, or other Person or Persons as aforesaid, on Complaint before a Justice of the Peace, as any Penalty is recoverable under this Act, if the same be not paid on Demand by such Commissioners, Company or Companies, Body or Bodies, or other Person or Persons as aforesaid.

XXXV. And be it further enacted, That the Branch or Service Pipes which shall be put down for lighting the said Streets, Lanes, Entries, and other public Passages and Places, shall be kept fully charged with Gas, and the Stopcocks shall be so turned as not to impede or prevent the said Branch or Service Pipes being completely filled with Gas during the Time the same shall be lighted.

Service Pipes
to be kept
fully charged
with Gas.

XXXVI. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used by the said Commissioners, or by any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building or Premises therein, for the Conveyance of Gas in, under, through, along, across, or round any Street, Lane, Entry, or other Passage or Place within the said Town, shall be so laid at the greatest practicable Distance, and (whenever the Width of the Carriageway in such Street or Place will allow thereof) at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down, or hereafter to be laid down, for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Lanes, Entries, Passages, or Places, (except in Cases where it shall be unavoidably necessary to lay the said Gas Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, and in such Cases the Length of the said Gas Pipes so crossing the said Water Pipes shall always exceed Nine Feet, in order that no Joint of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least); and that in laying down the said Gas Pipes the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed within the said Town for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building or Premises therein, shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall then in such Trench, and not before, properly form and complete with proper and sufficient Materials the Jointing with the other Pipe or Pipes to be connected therewith; and shall also make and keep air-tight all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, and in all and every respect prevent the said

Gas Pipes to
be laid at least
Four Feet
from Water
Pipes.

Gas

Gas from escaping therefrom, or from any Part thereof, upon pain of forfeiting for every Default the Sum of Fifty Pounds.

For preventing the Escape of Gas.

XXXVII. And be it further enacted, That whenever any Gas shall be found to escape from any Pipes which shall be laid down or set up by the said Commissioners, or by any Company or Companies, Body or Bodies Politic or Corporate, or any other Person or Persons whomsoever making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building or Premises therein, the said Commissioners, Company or Companies, Body or Bodies, or other Person or Persons as aforesaid, shall immediately after Notice given to them or him, by Parol or in Writing, of any such Escape of Gas, from any Inhabitant or Inhabitants within the said Town, or other Person or Persons whomsoever, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Commissioners, or the Company or Companies, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours next after such Notice given, effectually stop and prevent any future Escape, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Commissioners, Company or Companies, or the Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid, which Penalty or Penalties shall from Time to Time be recoverable in a summary Way, on the Oath or Affirmation of some credible Witness or Witnesses, by Information to be laid before some Justice or Justices of the Peace, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the Treasurer of the said Commissioners, or of the Goods and Chattels of such Company or Companies, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid.

Commissioners, &c. to prevent Contamination of Water.

XXXVIII. And be it further enacted, That whenever the Water of any Company of Proprietors, or other Owners or Proprietors of any Waterworks within the said Town, or the Water in any Well or Pond belonging to or used by any Party or Person whomsoever, shall be contaminated or affected by the Gas of the said Commissioners, or of any Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons whomsoever making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building or Premises therein, the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered, and the same shall be applied to and for the Use and Benefit of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, Well, or Pond, or the Party or Person using any such Water, and suing for such Penalty; and in case any such Water shall be contaminated or affected by

by Gas in any way whatsoever, then and in every such Case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall within Twenty-four Hours next after Notice thereof in Writing, signed by any of the Directors, or by the Treasurer, or by the Manager or Chief Clerk for the Time being of and for the said Company of Proprietors, or by other the Owners or Proprietors of any Waterworks, Well, or Pond, or by any Party or Person interested in or using any such Water, to be left at the usual Office or Place of transacting Business of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or at the last or usual Place of Abode of such other Party or Person as aforesaid, cause Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting any such Water; and in case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any one of the Directors for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or to the Party or Person interested in or using any such Water, and complaining as aforesaid, for the Use and Benefit of the same Proprietors or Owners, or Party or Person, over and above the before-mentioned Penalty of Twenty Pounds, to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which any such Water shall be and remain contaminated, tainted, or affected by any such Gas as aforesaid; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer, Manager, or Chief Clerk for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or by and in the Name of any One or more of the Directors of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, at the Option of the Parties prosecuting such Information, or in the Name of the Party or Person interested in or using any such Water, and complaining as aforesaid, against the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, before any Justice of the Peace, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties and Costs, when so levied, shall be paid to the Treasurer, or to One of the Directors for the Time being of the Company of Proprietors, or other the Owners or Proprietors of any Waterworks,

[Local.]

for

for the Use of the same Owners or Proprietors, or to the Party or Person interested in or using any such Water, and informing or complaining as aforesaid.

For ascer-
taining if the
Water is con-
taminated.

XXXIX. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building or Premises therein; be it therefore enacted, That in every such Case it shall and may be lawful to and for the said Company, or other the Owners or Proprietors of any Waterworks, to dig to and about, and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed from or be occasioned by the Gas of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, the Costs and Expences of the said Digging, Search, and Examination, and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, then and in such Case the said Company, or other the Owners or Proprietors of any Waterworks, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, in and by such Search and Examination, and also to the Pavement of the said Streets so broken up or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or Justices of the Peace as aforesaid.

Penalty for
conveying
Washings
into any
Stream, &c.

XL. Provided always, and be it further enacted, That if the said Commissioners, or any Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used, burnt, or consumed

within the Limits of this Act, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building or Premises therein, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever, which shall arise or be made in the Prosecution of the said Gas Works, into any River, Brook, or running Stream, Reservoir, Aqueduct, Feeder, Pond, or Springhead, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, whereby the said Water, or any Part thereof, shall or may be soiled, fouled, or corrupted, then and in every such Case the said acting Commissioners, or such Company or Companies of Proprietors, or Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty and Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed; and such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same is sued for within Twelve Calendar Months after the Time when such Annoyance, Act, and Thing shall have ceased; provided also, that in addition to the said Penalty of Two hundred Pounds, (and whether such Penalty shall or shall not be recovered), in case any of the said Washings or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Aqueduct, Waterway, Feeder, Pond, or Springhead, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons whomsoever to the said Commissioners, or any of them, or to the Company or Companies of Proprietors, or any of them, or to the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, and the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours after such Notice given, stop and prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, Company or Companies of Proprietors, Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each Day such Washings, waste Liquids, or noisome or offensive Liquids or Things shall be so drained, conducted, or conveyed, or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act done or committed.

Penalty on
damaging
Pipes, &c.

XLI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously remove, take away, destroy, damage, or injure any or any Part of any Pipe, Plug, or other Apparatus, Matter, or Thing belonging to the said Commissioners, or to any Body Politic or Company, or Person or Persons so contracting as aforesaid, or shall wilfully or maliciously waste any of the Inflammable Air or Gas supplied by them, any or either of them, every Person so offending in any of the respective Premises, and being thereof lawfully convicted on the Oath or Affirmation of some credible Witness before some Justice or Justices of the Peace, shall forfeit and pay to the said Commissioners, Body Politic, or Company, or other Person or Persons as aforesaid, any Sum not exceeding Five Pounds, and Three Times the Amount of the Damage done or occasioned by such Conduct, the same to be ascertained by such Justice or Justices; and such Penalty and Damage, together with reasonable Costs, shall be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any) on Demand, to the Owner of such Goods and Chattels, or such Offender shall and may be committed to the Common Gaol or House of Correction, there to remain for any Time not exceeding Six Calendar Months.

Not to take
up Pavement
without Con-
sent of Com-
missioners.

XLII. And be it further enacted, That if any Person whomsoever shall at any Time hereafter take up, remove, or alter, or cause to be taken up, removed, or altered, any Part of the Pavements, Flags, or other Materials of the Carriageways or Footways in the said Streets, Lanes, Passages, or other public Places, or any of them, within the Limits of this Act, or shall make or cause to be made any Alterations in any of the Tunnels, Gutters, Soughs, Drains, or Watercourses therein, without the previous Consent or Authority of the said Commissioners, made or given at some Meeting held in pursuance of and according to the Directions of this Act, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Penalty on
wilfully
breaking
Lamps.

XLIII. And be it further enacted, That if any Person shall wilfully break, take away, throw down, displace, or otherwise destroy or damage any Lamp which shall be erected by Order of the said Commissioners, or which may be erected by any Company, or Body Politic or Corporate, or other Person or Persons, at his or their own Expence, for the Purpose of lighting any of the said Streets, Lanes, Entries, and other public Passages and Places, or any Post, Iron, Cover, or Furniture thereof, or shall wilfully extinguish the Light or Lights of or in any such Lamp or Lamps, it shall be lawful for any Justice of the Peace, and he is hereby required, upon Complaint to him made by some credible Witness or Witnesses of any such Offence having been committed, to summon the Party or Parties complained of for doing such Damage; and in case of his, her, or their making Default to appear to such Summons (Oath or Affirmation being made that the Party or Parties complained against had been served with such Summons, or that the same had been left at his, her, or their usual Place of Abode, if known), it shall be lawful for any Justice of the Peace and he is hereby required to issue a Warrant for apprehending the Party or Parties accused, or it shall and may be lawful to and for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, and without any other Warrant,

to deliver him, her, or them, into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace; and such Justice shall and he is hereby required to proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either on his, her, or their Confession, or upon such Evidence as aforesaid, then and in every such Case he, she, or they shall for every such respective Offence forfeit and pay any Sum not exceeding Five Pounds, and shall in addition to the Payment of such Penalty make a full Satisfaction (to be ascertained by such Justice) to the said Commissioners, or to the Party injured, for the Damage so done; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty, and make such Satisfaction as aforesaid, such Justice is hereby authorized and required to commit such Offender or Offenders to the Common Gaol, there to be kept to hard Labour for any Time not exceeding Six Calendar Months, unless such Penalty and Satisfaction shall be sooner paid.

XLIV. And be it further enacted, That if any Person shall carelessly, negligently, or accidentally break, throw down, or otherwise destroy or damage any Mains or Pipes, Posts, Pillars, Pilasters, Lamps, or Lamp Irons respectively, and shall not upon Demand make Satisfaction for the Damages done, then and in every such Case it shall be lawful for any Justice of the Peace, and he is hereby required, upon Complaint thereof made, to summon before him the Party or Parties so complained of, and upon his, her, or their appearing, or making Default to appear (Oath or Affirmation being made that the Party complained against had been served with such Summons, or that the same had been left at his, her, or their usual Dwelling or Place of Abode, if known), such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either by Confession of the Party, or by the Oath or Affirmation of any credible Witness, shall award and order such Satisfaction to be made by the Party or Parties complained against, for the Damages so done as aforesaid, as to such Justice shall appear just and reasonable; and in case the Sum so awarded shall not be paid forthwith, it shall be lawful for such Justice, and he is hereby required to cause the same to be levied and recovered in such and the same Manner as any Fine or Penalty is by this Act directed to be levied and recovered.

Satisfaction to be made for accidental Damage to Lamps.

XLV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered, in case they shall think it necessary, from Time to Time to cause the said Streets, Lanes, Entries, and other public Passages and Places, or such of them as they shall think fit, to be safely and properly watched by such Number of able-bodied Men as they shall judge proper to be employed as Watchmen, or as a Patrol, under such Regulations and subject to such Orders as the said Commissioners shall make and give from Time to Time in that Behalf, and to provide proper Watch Houses, Watch Boxes, or Places for the Reception of such Watchmen and Patrol, and for the safe Custody of such Persons as may be apprehended by such Watchmen or Patrol whilst on Duty, and to pay such Watchmen or Patrol whilst on Duty reasonable Wages or Allowances, and also to impose from Time to Time any Fine not exceeding Five Pounds on any Watchman or Patrolman for every Neglect or Mis-

Streets to be watched, Watchmen appointed, &c.

[Local.]

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behaviour

behaviour (such Fine to be deducted out of the Wages of such Watchman or Patrolman), or to discharge such Watchman or Patrolman, and from Time to Time to make such Orders and Regulations as they the said Commissioners shall deem expedient for the better Government of the Watchmen or Patrolmen to be so appointed as aforesaid, and to give and allow, out of the Monies to be raised by virtue of this Act, such Reward or Allowance as they shall think fit to any Watchman or Patrolman and others, who may be wounded or disabled in the Execution of his or their Office or Duty.

Duty of
Watchmen.

XLVI. And be it further enacted, That it shall be lawful for such Watchmen and Patrolmen, or any of them, and they are hereby required, within their respective Stations, to apprehend and secure, in some proper Place or Places of Security to be for that Purpose appointed, all Malefactors, Rogues, Vagabonds, idle and disorderly Persons, Disturbers of the public Peace, Prostitutes, Thieves, and all suspected Persons who shall be found wandering or misbehaving themselves during the Hours of keeping Watch within the said Town, and to conduct all such Persons, so soon as conveniently may be, before some Justice of the Peace, to be examined and dealt with according to Law.

Watchmen
vested with
the Powers
of Constables.

XLVII. And be it further enacted, That all Watchmen and Patrolmen shall be appointed at the Court Leet to be from Time to Time holden within and for the Manor of *Cirencester* aforesaid, and shall be sworn in as Constables or Wardsmen at the said Court, by the Steward of the same for the Time being, or before some Justice of the Peace, who are hereby respectively empowered and required to swear them in accordingly, and such Watchmen and Patrolmen shall act as such whilst in the Execution of the Powers and Authorities of this Act, and they are hereby invested with and shall have and enjoy the like Powers and Authorities, Privileges and Immunities, as any Constable or Constables, Wardsman or Wardsmen, is or are invested with by Law.

Penalty on
Persons har-
bouring
Watchmen.

XLVIII. And be it further enacted, That if any Victualler, Alehouse Keeper, or other Person selling Spirituous or other Liquors, Beer, or Cider, shall entertain or harbour in his or her House or Outhouses any Watchman or Patrolman, during any of the Hours or Times appointed for the Attendance on Duty of such Watchmen or Patrolmen by virtue of this Act, every such Victualler or other Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Commissioners
to direct
Streets to be
cleansed.

XLIX. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required to cause all the Streets, Lanes, Entries, and other public Passages and Places within the said Town, or such of them as they shall think fit, to be properly cleansed, drained, and kept clean, and also to cause the said Streets, Lanes, Entries, and other public Passages and Places, or such of them as they shall think proper, to be watered from Time to Time, and for those Purposes to employ any Persons, and to purchase or hire any Carts or other Carriages, and also any Horses, and to cause the Dirt, Dust, Soil, Dung, Manure, and Filth in any such Streets, Lanes, Entries, and other public Passages and Places, to be taken and carried away.

L. And be it further enacted, That the respective Occupiers of Houses, or other Buildings or Tenements, with the Appurtenances, within the said Town, shall and they are hereby required to cause the Footways and Foot Pavements to be well and sufficiently swept and cleansed before, behind, and at the Sides of their respective Houses or other Buildings (as the Situation thereof shall require) every *Saturday* in each and every Week, or oftener, if the said Commissioners shall, by Notice to be left at the usual Residence of such Occupier, require the same to be done; and such respective Occupiers shall also cause the Dirt and Soil to arise from such sweeping and cleansing to be collected and taken away, and in Default thereof such Occupier shall for every such Offence forfeit and pay to the said Commissioners any Sum not exceeding Forty Shillings.

Inhabitants to sweep Pavements opposite their Houses.

LI. And be it further enacted, That in case any Person shall sweep, rake, or place, or cause to be swept, raked, or placed, any of the Mud, Dirt, Dust, Rubbish, Filth, or Soil in the said Streets, Lanes, Roads, and public Places, or brought therein, to, into, or upon the Channels on the Sides of the said Streets, Lanes, Roads, and public Places, shall forfeit and pay any Sum not exceeding Five Pounds for each Offence.

Dirt not to be swept into the Channels.

LII. And be it further enacted, That if any Person or Persons, other than such Occupiers, or the Person or Persons employed by or contracting with the said Commissioners for cleansing the said Streets, Lanes, Entries, and other public Passages and Places, or the Person or Persons employed by or acting under the Direction of the Person or Persons so contracting, shall take and carry away, or cause to be taken and carried away, any Dust, Dung, Manure, Dirt, Ashes, or other Filth out of any of the Streets, Lanes, Entries, and other public Passages and Places, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

No Person to take away Dirt but Contractors.

LIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prevent any of the Inhabitants from preserving or keeping any Dung, Ashes, Cinders, Dust, Filth, or Rubbish within their Houses, Yards, Gardens, or Premises for their own Use, or from removing the same to any other Place by them occupied, so as such Dung, Ashes, Cinders, Dust, Filth, or Rubbish be not laid down or placed in any of the said Streets, Lanes, Entries, or other public Passages or Places, for any longer Time than shall, in the Judgment of any of the said Commissioners, be necessary for the Purpose of loading and carrying away the same, or be of any Annoyance to the Inhabitants thereof, or any Persons passing through the same; but in case such Person shall permit or suffer the same to be so placed as to become a Nuisance or Annoyance to any of such Inhabitants, or to any other Inhabitants as aforesaid, and shall not remove the same within Six Hours after Notice in Writing so to do, signed by any Three or more of the said Commissioners, or by the Clerk to the said Commissioners, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every Day such Annoyance shall be permitted to remain after such Notice as aforesaid; and it shall be lawful for the Person or Persons to be appointed by or contracting with the said Commissioners for cleansing the said Streets, Lanes, Entries, and other public Passages and Places, and they are hereby authorized and directed, to take and convert such Dung, Ashes, Cinders, Dust, Filth, and Rubbish

Persons reserving Ashes, &c. for their own Use, not to suffer the same to become a Nuisance.

to

to his, her, or their own Use and Uses, and to sell and dispose thereof, without rendering any Satisfaction for the same.

Commissioners may contract for Execution of the Works under the Act.

LIV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered from Time to Time to contract and agree with any Person or Persons they may think proper, for the paving, flagging, widening, altering, amending, draining, and improving of the Carriageways and Footways, and for watching, cleansing, and watering the said Streets, Lanes, and other public Passages and Places within the Limits of this Act, and for furnishing Materials, and doing and performing all other Matters and Things necessary for completing any of the Works hereby authorized; which Contract or Contracts so to be entered into shall be reduced into Writing, and be signed by the said Commissioners, or any Seven or more of them, and also by the Person or Persons contracting to perform such Works respectively; which said Contract or Contracts shall specify the several Works to be done, and the Prices to be paid for the same, and the Time or Times when such Works shall be done, performed, and completed, and the Penalties to be suffered in case of Nonperformance thereof; and such Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Commissioners: Provided always, that Seven Days Notice at least shall be given previous to the Meeting for entering into such Contract, by Writing to be affixed on the Church Door aforesaid, or in such other Manner as the said Commissioners shall direct, in which Notice shall be specified the Works and Business to be contracted for at such Meeting, to the End that Persons may tender Proposals for such Contracts at a certain Time and Place in such Notice to be mentioned; and the said Commissioners shall and they are hereby required to take Security from every such Contractor for the due Performance of his, her, or their Contract; and it shall be also lawful for the said Commissioners and they are hereby also directed to cause the Works to be done in pursuance of such Contracts to be inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed, according to the true Intent and Meaning of such Contract or Contracts, or shall not be done and completed at or within the Time or Times, and at such Times as shall be by such Contract or Contracts limited for doing and completing the same, the said Commissioners shall and may bring or cause to be brought any Action or Actions at Law, or Suit or Suits in Equity, against the Person or Persons so contracting and neglecting to perform such Contract or Contracts, or for any Injury suffered or sustained on account of the Nonperformance thereof, and upon proving the signing of such Contract or Contracts the said Commissioners shall be entitled to and shall recover such Penalty or Damage as may be awarded, with full Costs of Suit.

Commissioners may compound for Breach of Contract.

LV. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time and at all Times hereafter, to compound and agree with any Person or Persons against whom the said Commissioners shall bring or cause to be brought any Action or Suit for any Penalty incurred in any Contract hereafter to be made or entered into in pursuance of this Act, on account of any Breach or Nonperformance of any such Contract, for such Sum or Sums of Money as they

they shall think proper, so as the Sums compounded and agreed for be not less than the Injury sustained by the Breach or Non-performance of such Contract, and the Costs, Charges, and Expences which shall have been or which may be occasioned thereby: Provided always, that the said Commissioners, or their respective Estates, shall not be liable in their individual or personal Capacity to any Loss, Damage, or Prejudice by reason of their signing any such Contract.

LVI. And be it further enacted, That it shall be lawful for the said Commissioners at any Time to hire any Room or Building they shall think fit in any convenient Part or Parts within the said Town, for the Purpose of making use thereof as and for an Office or Offices for keeping their Accounts, holding their Meetings, and transacting the Business relating to this Act, and as a Storehouse or Storehouses for keeping their Implements and Materials, and for other the Purposes of this Act, and to pay, out of the Money to arise by virtue of this Act, such Rent or Rents as they the said Commissioners shall from Time to Time agree upon, and also to accept and take a Lease of such Room, Building or Buildings, to themselves, or any of them, or any Person or Persons in trust for them, for any Term or Number of Years, at and under such Rent or Rents as they shall from Time to Time think fit, and to pay such Rent or Rents out of the Monies aforesaid.

Commissioners may hire a Building for an Office and Storehouse.

LVII. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to cause all and every or any of the Penthouses, Porches, Sheds, projecting Windows, Palisades, Rails, Posts, Fences, Steps, Cellar Windows, Cellar Doors, Hatchways, Frontsteads, Court Yards, 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 Houses or other Buildings whatsoever, in any of the Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Town and Borough, which in the Judgment of the said Commissioners 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 Streets, Lanes, Roads, Highways, Passages, or other public Places, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed by the said Commissioners, or any other Person or Persons acting under their Authority, in such Manner as shall be thought most proper and expedient by the said Commissioners; and also from Time to Time to pull down and remove, or cause to be pulled down and removed, all or any Posts, Rails, Pales, Trees, or Fences, in or near the Streets, Lanes, Roads, Highways, Passages, or public Places, or any of them, within the said Borough, as they the said Commissioners shall judge useless, or to be a Nuisance or Obstruction to Passengers, Horses, or Carriages, they the said Commissioners nevertheless first causing Fourteen Days Notice in Writing under the Hands of Five or more of the said Commissioners, to be given to the respective Owners or Occupiers of such Houses or other Buildings, 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

Projections, &c. to be removed by Commissioners.

Case will allow, and also defraying the whole Costs and Charges of executing the same.

Future Projections to be removed by Occupiers.

LVIII. And be it further enacted, That the several Occupiers of Houses and other Buildings situate in the several Streets, Lanes, Roads, Highways, or other public Places within the said Town and Borough, and every of them, are hereby authorized and required, at their own respective Costs and Charges, within Fourteen Days next after their respectively receiving Notice in Writing from the said Commissioners in that Behalf, signed by any Five or more of the said Commissioners, to cause all and every the Penthouses, Porches, Sheds, projecting Windows, Palisades, Rails, Posts, Fences, Steps, Cellar Windows, Cellar Doors, Hatchways, Frontsteads, Court Yards, and other Obstructions and Projections which shall in future be erected, set up, affixed, laid down, or be against, or in front of, or belonging to their respective Houses or other Buildings, which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances, by reason of their projecting into, or encroaching upon, or otherwise annoying or endangering the public Passage along any of the Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Town and Borough, 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 Commissioners; and in case the Occupier of any such House or other Buildings as aforesaid shall neglect or refuse to cause any such Penthouse, Porch, Shed, projecting Window, Palisade, Rail, Post, Fence, Step, Cellar Window, Hatchway, Frontstead, Court Yard, or other Projection or Obstruction whatsoever, which shall in future be so erected, set up, affixed, laid down, or be against, or in front of, or belonging to his or her House or other Building, 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 Commissioners to cause the same to be forthwith done by some Person or Persons acting under their Authority, and the Costs and Charges attending the same, having been ascertained by some Justice or Justices of the Peace, shall and may be recovered from the Occupier of such House or Building 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 or Treasurers of the said Commissioners, to be applied to the general Purposes of this Act; and it shall be lawful for the Occupier of any such House or Building, 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 Commissioners, to deduct and retain the Amount thereof out of his or her Rent; and the Proprietor or Landlord of every such House or other Building 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 or she shall bear the Expence of altering or removing the same.

Regulating Pipes from Roofs of Houses,

LIX. And be it further enacted, That from and after the passing of this Act all Spouts and Pipes for conveying Water from the Roofs and Eaves

Eaves of Houses or other Buildings into the said Streets, Lanes, Entries, or other public Passages or Places, shall be made or placed so as to convey such Water from such Roofs and Eaves close to the Face or Side of such Houses or Buildings down to the Ground, and under the Pavement into the Sewer or Drain, under the Penalty of Twenty Shillings for every Day the same shall be neglected or omitted to be placed, or shall remain placed contrary to the Directions of this Act, after Notice in Writing for the Purpose from any Seven or more of the said Commissioners shall have been left One full Week at such House or Building for the Occupier thereof; such Penalty to be paid by such Occupier.

LX. And be it further enacted, That where any Opening is now or may hereafter be made in the Paving or Flagging of any of the said Streets, Lanes, Entries, or other public Passages or Places, as an Entrance into or for the Purpose of carrying Coals or other Articles into any Vault or Cellar, whether such Vault or Cellar be inhabited or uninhabited, or for the Purpose of carrying Light into any Room or Cellar, or for any other Purpose, the Door, Lid or Lids, Flap or Flaps, Covering or Gratings to such Opening shall be made (at the Expence of the Occupier of the Cellar, Kitchen, Building, or other Premises to which such Opening shall communicate), of Iron or such other Materials, and of such Dimensions and in such Manner and Form as the said Commissioners shall approve of; and every such Door, Lid, Flap, Grating or Covering, shall from Time to Time be repaired, varied, and altered at the like Expence of the Person or Persons for whose Use and Benefit the same shall be possessed and enjoyed, and in such Manner and Form as the said Commissioners shall direct or appoint; and in case any Person shall cause any such Grating or Covering to be made, repaired, varied, or altered contrary to, or shall neglect or refuse to make, repair, vary or alter any such Grating or Covering consistently with such Direction or Appointment as aforesaid, or shall cause or permit any such Cellar Door, Cellar Lid, Flap, or Cover within the said Limits so to be left open at any Time between Sun-setting and Sun-rising on any Pretence whatsoever, without the same being well and sufficiently lighted and guarded, so as to prevent Accidents from happening; or shall permit or suffer any Iron, Wood, or other Plate, Lid, or Covering over any Vault, or otherwise belonging to any of the Houses and Premises within the said Town, to remain loose and unfastened, or shall leave the Opening to any such Vault or underground Place without any Plate, Lid, or other sufficient Covering, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, and also any further Sum not exceeding Five Pounds for every Week the said Offence shall be continued.

LXI. And be it further enacted, That if any Person shall upon any of the Footways or Foot Pavements in any of the Streets, Lanes, Entries, and other public Passages and Places in the said Town, run, draw, drive, or carry any Wheelsledge, Wheelbarrow, Handbarrow, Bier, or Carriage whatsoever, or roll any Cask or Tub, other than for the necessary loading and unloading thereof upon, from, or out of any Carriage Road or Footway, farther than the Extent of the Premises in the Occupation of the Person from or to whose House or Building such Cask or Tub shall be rolled; or if any Person shall wilfully drive any Cart or Carriage whatsoever, or shall ride, lead, or drive any Horse or other Beast, or any Cattle whatsoever,

Cellar Doors,
Flaps, &c

Penalty on
obstructing
Causeways.

whatsoever, on any of the said Footways or Foot Pavements, or set up, affix, or use any Stall, Standing Block, or Working Place thereon, or so near thereto as to obstruct the passing thereon, or put or place any Cask, Tub, Pail, Bucket, Stool, Bench, Stall, or any other Matter or Thing, and suffer it to remain so as in any Manner to cause any Obstruction or Impediment in the Footway or on the Foot Pavement; or shall in any Street, Lane, Entry, or other public Passage or Place within the said Town, hoop, fire, cleanse, wash, or scald any Cask or Tub, or hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber, or make or repair any Coach, Chaise, Waggon, Sledge, Barrow, or other Carriage (except such as may want immediate Repair from any sudden Accident on the Spot, or which cannot be conveniently removed for that Purpose, such unavoidable Repair to be done and completed with all convenient Speed); or if any Person shall hang out or cause to be hung out any Linen or Cloth, or any Article of Wearing Apparel, or other Article for the Purpose of Sale, or of airing the same, upon or from any Door or Window within any Street, Lane, Entry, or other public Passage or Place in the said Town, or fix or tie up any Line, Rope, or Cord for any such Purpose, or erect, set up, or place any Blind, Shade, Coverlid, or Awning, or any other Matter or Thing, in the Front of or before any House, Shop, or other Building, so as in any way to cause an Obstruction or Impediment in the Pavement, Flagging, or Footways; or if any Person shall in or upon any such Street, Lane, Entry, or other public Passage or Place, shoe, bleed, farry, or kill any Horse or other Beast or Cattle, except in case of Accident; or if any Person shall, within any such Street, Lane, Entry, or other public Passage or Place, show or expose any Stallion, or turn loose any Horse, Cattle, Mule, Ass, or Swine; or if any Person shall make or assist in making of any Bonfire, or shall wantonly let off or discharge any Gun, Pistol, Blunderbuss, or other Fire-arms, or shall wantonly let off any Serpent or Rocket, or throw any Cracker, Squib, or other Fireworks, or play at Football, or any other Game or Games, to the Annoyance of any Inhabitant or Passenger; or shall wilfully break, or aid, abet, or assist in wilfully breaking or injuring any Glass Pane or Window, Panes or Windows, or any Bell, Bell Handle, or Bell Pull, or the Wires or Cranks connected with the same, or any Knocker, or any Lock or Handle to the same, belonging to any Dwelling House or other Building; or if any Person shall kill or slaughter, or shall scald, singe, dress, or cut up any Pig or other Animal, either wholly or in part, in any of such Streets, Lanes, or other public Passages and Places, or cause or permit any Blood to run from any Slaughter House, Butcher's Shop or Shambles, into the same, or any of them; or shall, for the Purpose of obtaining or collecting Manure, or for any other Purpose, stop up or impede the Passage of any Common Sewer, Ditch, or Watercourse, or shall empty, convey, or discharge any Filth or Rubbish into any Common Sewer or public Drain; or if any Person shall permit or suffer his or her Mastiff, Bulldog, or any other dangerous Animal, to go at large without being safely and sufficiently muzzled, or shall permit or suffer any Dog whatever to go at large therein after public Notice given by the Town Crier or Bellman, during such Time as such Notice shall direct Dogs to be confined on account of any Suspicion of the Existence of Canine Madness; or if the Driver of any Cart, Waggon, or other Carriage shall in any of the said Streets, Lanes, Entries, or other public Passages or Places, ride on the Shafts, or in or upon any Part of such Waggon, Cart, or other Carriage

riage without Reins, or on any of the Horses or Cattle drawing the same ; or if any Person riding any Horse or Beast, or driving any Sort of Carriage, shall ride or drive the same furiously, so as to endanger the Life or Limb of any Passenger ; or if any Person or Persons shall wilfully hinder, obstruct, or prevent the free Passage of any of the said Streets, Lanes, Entries, Ways, Footways, or other public Passages and Places ; or if the Driver of any Sort of Carriage whatsoever, meeting any other Carriage, shall not keep his or her Carriage on the Left or Near Side of the Road, or shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, within such Streets, Lanes, Entries, and other public Passages or Places, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage, or of His Majesty's Subjects within the said Streets, Lanes, Entries, and other public Passages and Places, or shall suffer any Stage Coach, Diligence, Post Chaise, or other Carriage let to Hire, to remain longer than may be necessary for the taking up or setting down of any Passenger, or for the loading or unloading their Baggage ; or if any Person shall fix up or place or suffer to remain any Flower Pot at any Window, without sufficiently guarding or fastening the same, so as to prevent the same from being blown or thrown down, or shall commit or permit any other Kind of Obstruction or Annoyance in or upon any Street, Lane, Entry, or other public Passage or Place within the Limits of this Act ; or if the Occupier of any House or other Building within the Streets, Lanes, and Passages of the said Town, shall permit or suffer any Chimney or Chimneys, Flue or Flues, belonging to his or her Dwelling House and Premises, to be on fire, or shall, through Negligence, or for the Purpose of cleansing any such Chimney or Flue, cause the same to be set on fire, every Person so offending in any of the aforesaid Cases, or the Owner or Proprietor of any such Horse, Beast, Cattle, Carriage, Goods, Matter, or Thing as aforesaid (as the Case may be, in any Instance where the Person actually offending cannot afterwards be found), shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds ; and it shall be lawful for any Officer appointed by virtue of this Act, or for any Constable, Watchman, or Wardsman, to take away and remove any of the before-mentioned Obstructions, in case the Party occasioning the same shall not remove the same within a reasonable Time after being required so to do by any Person or Persons whomsoever.

LXII. And be it further enacted, That no Person shall empty or begin to empty any Privy, or take and carry away any Night Soil, or bring or place any Carts for removing the same from any House, Building, or Place already or hereafter to be erected, built, or made in the said Town, before the Hour of Ten in the Night, or shall continue to take away the same after the Hour of Six in the Morning, between *Michaelmas* and *Lady Day*, and after the Hour of Four in the Morning between *Lady Day* and *Michaelmas* ; and that no Person shall unload, or cast or spill, or cause or suffer to be unloaded, cast, or spilt, any such Night Soil out of any Cart, Tub, or otherwise in the said Town ; and if any Person shall offend herein, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds ; one Moiety whereof shall go to the Informer, and the other Moiety shall be paid to the Treasurer of the said Commissioners, to be applied to the general Purposes of this Act.

Regulation
as to Night
Soil.

[*Local.*]

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LXIII. And

Slops to be
carried only
in covered
Carts.

LXIII. And be it further enacted, That if any Person at any Time hereafter shall drive or cause to be driven any Cart or other Carriage with any Soap Lees, Night Soil, Ammoniacal Liquor, Slop, Filth, or Channel Mire or Dirt therein, through, in, or over any of the Streets, Lanes, Entries, or other Passages or Places in the said Town, without such Cart or other Carriage having a proper Covering, or Boards called Flush Boards, so as to prevent the same from sloping or spilling in any of the said Streets, Lanes, Entries, or other Passages or Places, or shall at any Time or Times hereafter fill or cause to be filled any Cart or other Carriage with any Soap Lees, Night Soil, or Ammoniacal Liquor in any of the said Streets, Lanes, Entries, or other Passages or Places, between the Hours of Six of the Clock in the Morning and Eight of the Clock in the Evening of any Day, or shall drive or cause to be driven any Cart or Carriage so filled as last mentioned through, in, or over any of the said Streets, Lanes, Entries, or other Passages or Places, between the Hours aforesaid, or shall fill any such covered Cart or other Carriage so as to run over, or cast any Soap Lees, Night Soil, Ammoniacal Liquor, Slop, Mire, or Channel Dirt or Filth, in or upon any of the said Streets, Lanes, Entries, or other Passages or Places, it shall and may be lawful for any Person whomsoever to seize and apprehend, and to assist in seizing and apprehending, the Offender or Offenders, and by the Authority of this Act, and without any other Warrant or Authority, to convey him or her before some Justice of the Peace, and which Justice is hereby authorized and required to hear Evidence and determine on such Offence; and every Person so offending shall for every such Offence forfeit and pay the Sum of Five Pounds: Provided always, that in case the Person or Persons so offending cannot be apprehended, then the Owner or Owners of such Cart or Carriage in which such Soap Lees, Night Soil, Ammoniacal Liquor, Slop, Filth, Mire, or Channel Dirt, shall be put or placed, and also the Employer or Employers of the Person or Persons so offending, shall be liable to and shall forfeit and pay such Penalty as aforesaid.

Hoards may
be erected.

LXIV. And be it further enacted, That nothing herein contained shall hinder or prevent any Person from erecting or building any Hoard or other Thing, by way of Inclosure, either within or without the Area of his House, Wall, or Building, for the Purpose of making Mortar, or laying down Bricks or Stone, or making or working up any Lime, Sand, or other Materials, or for making, building, altering, or repairing any House, Wall, or other Building, or to subject him to any Penalty on account thereof, provided that such Person shall previously have and obtain a Licence for that Purpose under the Hand of the Clerk, Surveyor, or Inspector to the said Commissioners, which Licence such Clerk, Surveyor, or Inspector is hereby required forthwith to grant to any Person applying for the same, and for which he shall receive the Sum of One Shilling, and no more; and such Licence shall specify the Length and Breadth of every such Hoard, and the Time it is to continue for such Purposes aforesaid; and if any Person shall erect any Hoard or Inclosure of greater Dimensions than shall be specified in, or shall suffer such Hoard or Inclosure to remain for any longer Time than shall be allowed by such Licence, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings for every Day that such Hoard or Inclosure, or any Part thereof, shall be continued after Notice shall have been given

by the Clerk, Surveyor, or Inspector, to take down and remove the same: Provided always nevertheless, that in case such Licence shall at any Time be renewed, no Fee or Reward shall be received or taken for such Renewal.

LXV. Provided also, and be it further enacted, That no Person shall be subject to any Penalty inflicted by this Act for or on account of any Building Materials, Rubbish, or Dirt, being in or upon any of the said Streets, Lanes, Entries, or other public Passages and Places, before or near the House or Building of such Person, occasioned by the building or pulling down, rebuilding or repairing such House or Building, so as there be convenient Room left for Carriages to pass, and a sufficient Way kept clean for Foot Passengers, and so as the Owner or Occupier of such House or Building do cause such Materials, Rubbish, and Dirt to be removed out of the said Streets, Lanes, Entries, or other public Passages and Places, within a reasonable Time after such building, pulling down, or repairing shall be finished, or upon Notice given to him or her, signed by any Three or more of the said Commissioners, or by the Clerk or Surveyor to the said Commissioners, and so that during the Time the same shall be lying in such Street, Lane, Entry, or other public Passage or Place, such Owner or Occupier shall guard and fence off the same, either by a temporary Railing or otherwise, and also set up and maintain a sufficient Light or Lights during the whole of the Night-time, to the Satisfaction of the said Commissioners, to prevent Accidents and Mischief happening therefrom; provided also, that in case any Person so placing such Materials, Rubbish, or Dirt in any of the said Streets, Lanes, Entries, or other public Passages or Places, shall not during the whole of the Night effectually guard and fence off the same, and also set up and maintain a sufficient Number of Lights so as to prevent Accidents or Mischief happening therefrom, every Person making Default in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

No Penalty for laying Rubbish in Streets occasioned by Building, &c.

LXVI. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, to contract and agree with the Owners and Occupiers of and all other Persons interested in any Lands, Buildings, Tenements, or Hereditaments within the said Town of *Cirencester*, which the said Commissioners may think necessary and proper for the Purposes of widening and improving the said Streets, Lanes, and Passages in the said Town, and with the Owners and Occupiers of any Lands, Buildings, Tenements, or Hereditaments within the said Parish of *Cirencester*, or within the said Parishes of *Preston* and *Siddington* respectively, which the said Commissioners may think necessary for the Purpose of making Town Drains as herein-before mentioned, for the Purchase thereof respectively; or for the Loss or Damage such Persons may sustain by the widening and improving or draining the same; and it shall be lawful for all Persons whomsoever, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, and Tenants in Fee Tail, General or Special, or for Years determinable on any Life or Lives, whether in Possession, Reversion, Remainder, Expectancy, or otherwise, Trustees, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics, and all other Trustees and Persons whomsoever, not only for and on behalf themselves, their Heirs and Successors,

Commissioners may purchase Lands for Improvement of the Streets, and making Drains, &c.

cessors, but also for and on behalf of the Cestuique Trusts, whether Infants or Issue unborn, Lunatics or Idiots, and for all Femes Covert, and all and every other Person and Persons under any legal Disability and Incapacity whatsoever, and to and for all and every other Person and Persons who are or shall be seised, possessed of, or interested in any such Messuages, Buildings, Lands, Tenements, or Hereditaments, to contract and agree with the said Commissioners for the Sale thereof, or for the Satisfaction to be made for the same, or for such Damages as aforesaid; and by Conveyance, by Lease and Release, or Bargain and Sale, or otherwise, to sell and convey unto the said Commissioners for the Purposes of this Act all or any such Lands, Buildings, Tenements, or Hereditaments, or any Part thereof, and the Fee Simple and Inheritance thereof, for any Term of Years, or any Estate of Interest therein; and every such Contract, Agreement, Bargain, Sale, and Conveyance shall, without any Fine or Common Recovery, be good, valid, and effectual in the Law to all Intents and Purposes, and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever, any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding; and all such Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, Tenants for Life, in Tail, or for Years determinable on Life or Lives, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and all other Trustees and Persons as aforesaid, shall be and are hereby indemnified for what they shall do by virtue of or in pursuance of this Act.

Juries may
assess Da-
mages in
certain Cases.

LXVII. And be it further enacted, That if any Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or any Tenant or Tenants for Life or Years, or in Fee Tail, General or Special, or any Feoffees in Trust, Husbands, Guardians, Committees, or Trustees, or any other Owners, Proprietors, or Occupiers, or other Person or Persons whomsoever, either seised, possessed, or interested in his, her, or their own Rights or Accounts, or on the Behalf of any incapacitated Person or Persons so seised, possessed, or interested of, in, or to any of the Lands, Buildings, Tenements, or Hereditaments mentioned in the Schedule to this Act annexed, marked (B.), shall for the Space of Three Calendar Months next after Notice shall have been given to or left at the last or usual Place or Places of Abode of such Person or Persons, or of the Clerk or Head Officer of any such Body Politic, Corporate, or Collegiate, or at the House or Houses of the several Tenants in Possession of the said Premises, signed by the Clerk or Clerks of the said Commissioners, and signifying the Intention of the said Commissioners to contract for the Purchase thereof, neglect or refuse to treat, or shall not agree with the said Commissioners for the Sale of or for the taking and using any such Messuages, Buildings, Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or shall be prevented by Absence or otherwise from treating for such Sale, or shall decline or refuse to sell, convey, or dispose of the said Premises, or any Part or Parts thereof, or their respective Estates, Rights, or Interests therein, unto the said Commissioners, according to the Intent and Meaning of this Act, or shall not or cannot produce a clear Title to the said Premises, or to their respective Estates, Rights, or Interests which they respectively claim therein, to the Satisfaction of the said Commissioners, and such Party or Parties, touching any of the
aforesaid

aforesaid Premises, then and in every such Case it shall be lawful for the said Commissioners to cause it to be inquired into upon the Oaths of a Jury of Twelve indifferent Men of the County of *Gloucester* (which Oaths the said Commissioners, or any One or more of them, is and are hereby empowered to administer), what Damages will be sustained by, and what Recompence and Satisfaction shall be made to, the Owners, Proprietors, or Occupiers of the said Messuages, Buildings, Lands, Tenements, Hereditaments, and Premises, for or by reason of the same being purchased or taken by the said Commissioners for the Purposes of this Act; and in order thereto the said Commissioners, or any Three or more of them, are hereby authorized, empowered, and required from Time to Time to summon and call before them all Persons who shall be thought necessary and proper to be examined as Witnesses before the said Jury upon Oath (which Oath the said Commissioners, or any One or more of them, is and are hereby empowered to administer), and they shall order and require the said Jury to view the Premises in question, and to use all other lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have ascertained, awarded, and assessed such Damages and Recompence as aforesaid, they the said Commissioners shall thereupon order and determine the Sum or Sums of Money so awarded and assessed by the said Jury to be paid to the Owners, Proprietors, or Occupiers of the said Premises, or other the Person or Persons interested therein, according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, Order and Determination, when so had and made, shall be binding and conclusive to all Intents and Purposes whatsoever, against all Persons, as well absent as present, and whether claiming in Possession, Reversion, Remainder, or otherwise; and all and every such Owners, Proprietors, Occupiers, and other Persons anywise interested in the said Premises, shall be thereby and from thenceforth divested, to all Intents and Purposes, of all Right, Title, Claim, Remainders, Reversions, Interest, or Property of, into, or out of the same; and upon the Payment of the Money so awarded or assessed to the respective Parties entitled thereto, or on paying the same into the Bank of *England* in the Manner directed by this Act, in Cases where the Provisions of this Act require or allow the same to be so paid, it shall be lawful for the said Commissioners to cause the Premises in respect whereof such Money shall be so awarded and assessed, and such Acts to be done thereto, as if the Purchase or taking thereof had been agreed to and completed, and the said Premises were untenanted, and the Purchase Money or Recompence had been actually received by the Person or Persons entitled thereto.

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LXVIII. And be it further enacted, That each and every of the said Jury shall be sworn to ascertain and assess such Recompence and Satisfaction as aforesaid in the Form following, except so far as it may be necessary to change the same for the Purpose of describing the Matters or Things for which the said Recompence or Satisfaction is to be made, ascertained, or given:

Jury to be sworn.

I *A. B.* do swear, That I will well and truly assess and inquire, without any Favour, Partiality, or Affection whatsoever, the Sum which ought to be paid or granted [*as the Case may be*] for and in recompence of [*describing the Premises only, if the total Value thereof is to be Matter*]
 [Local.] 62 B of

Form of Oath.

‘ of Inquiry ; or if any separate Interest or Interests therein, say] the Estate
 ‘ and Interests of A. B. [or the several and respective Estates and Inte-
 ‘ rests of A. B., C. D., and E. F., and each and every of them, in the
 ‘ [describe the Premises to be purchased] under and by virtue of an Act
 ‘ passed in the Sixth Year of the Reign of King George the Fourth,
 ‘ intituled [here recite the Title of this Act], and that I will give a true
 ‘ Verdict according to the Evidence. So help me GOD.’

Jury to be
 summoned
 by the Sheriff.

LXIX. And be it further enacted, That for summoning and returning such Jury as aforesaid the said Commissioners are hereby empowered to issue their Warrant or Warrants, signed by any Three or more of them, to the Sheriff of the County of Gloucester, thereby requiring such Sheriff to impanel, summon, and return an indifferent Jury of Twenty-four Persons to appear before the said Commissioners, or any Five or more of them, at such Time and Place within the said Town as in such Warrant or Warrants shall be appointed, and such Sheriff or his Deputy is hereby required to summon, impanel, and return such Twenty-four Persons accordingly, and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Commissioners shall swear or cause to be sworn Twelve Persons, who shall be the Jury for the Purposes aforesaid ; and in default of the Attendance of a sufficient Number of Jurymen, the said Sheriff or his Deputy shall return other indifferent Men of the Standers-by, or who can be speedily procured to attend that Service, so that the Jury may amount to the Number of Twelve ; and in case the Jury to be sworn as aforesaid shall return to the said Commissioners that they cannot agree in their Verdict, the said Sheriff or his Deputy is hereby authorized and required, upon receiving any other Warrant or Warrants from the said Commissioners in that Behalf, to impanel, summon, and return another Jury, in the Manner and for the Purposes aforesaid : Provided always, that all Persons concerned shall have their lawful Challenges against any of the said Jurymen, in the same Manner as any Party in any Action depending in any of His Majesty’s Courts of Record at Westminster is by Law entitled thereto ; and the said Commissioners are hereby empowered to impose any Fine or Fines upon the said Sheriff or his Deputy making any Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury, and who shall not appear (without some sufficient Excuse), or after having appeared shall refuse to be sworn on the said Jury, or having been sworn, shall refuse to give or shall not give a Verdict in the Matter in question, or who shall in any other Manner wilfully neglect his or their Duty therein ; and also upon any of the Persons who being summoned or required to give Evidence before the said Jury touching the Premises, shall neglect or refuse to appear (without sufficient Excuse), after having been paid or tendered a reasonable Sum of Money for her or his Expences, or appearing, shall refuse to be sworn or to be examined, or to give Evidence touching the same ; but no such Fine shall exceed the Sum of Fifty Pounds on any such Person for One Offence.

Allowance to
 Sheriff and
 Jury.

LXX. Provided always, and be it further enacted, That each and every Juryman who shall be sworn for the Purposes of this Act, shall, for his Trouble and Expences in the Premises, be allowed the Sum of Ten Shillings and Sixpence for each Day’s Attendance, and no more, notwithstanding

standing such Juryman shall be sworn on several Inquiries and Assassments on the same Day; and that the Sheriff, for impannelling, summoning, and returning of each Jury, shall be allowed the Sum of One Pound One Shilling, and no more; which said Allowance, in case of any Dispute or Difference, shall be settled and determined by any Two Justices of the Peace for the said County.

In libro 7
fol. 206
lib. 1

LXXI. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered or tendered by the said Commissioners, for the Purchase of any Lands, Grounds, Messuages, Tenements, or Hereditaments, to be used or taken by them for the Purposes of this Act, or as a Compensation or Recompence for any Damage, Loss, or Injury which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and of taking such Inquest, and the Expence of Witnesses, shall be defrayed by the said Commissioners, and such Costs and Expences shall be settled and determined by some Justice of the Peace not interested in the Matter in question (who is hereby authorized and required to settle the same at a Time and Place to be by him appointed after summoning the Parties therein to attend for that Purpose); and in case such Costs and Expences shall not be paid to the Party entitled to receive the same, within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Commissioners, or of the Treasurer of the said Commissioners (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by the Party entitled or claiming to receive such Costs and Expences; but if the Verdict of the Jury shall not be given for a greater Sum than shall have been previously offered or tendered by or on behalf of the said Commissioners, or if no Verdict shall be found for Damages where the whole Dispute shall be whether any Damage has or has not been done, then and in every such Case One Moiety of the Costs and Expences shall be defrayed by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute, and the other Moiety thereof shall be defrayed by the said Commissioners; and all such Costs and Expences, having been ascertained and settled by some Justice of the Peace in manner herein-before described, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to and for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so to be determined or adjudged, shall be deemed and taken, to all Intents and Purposes whatsoever, to be a good Payment or Tender in Satisfaction of the Whole thereof; Provided always, that in all Cases where, by reason of Absence in foreign Parts, or from any other Causes or Disability not herein-before provided for, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the Whole of such Charges and Expences shall be borne and paid by the said Commissioners.

Expences of
Jury how to
be paid

in libro 7
fol. 206
lib. 1

in libro 7
fol. 206
lib. 1

in libro 7
fol. 206
lib. 1

LXXII. And

Verdict of
Jury to be
final.

LXXII. And be it further enacted, That after the said Jury shall have inquired of, ascertained, and assessed such Recompence and Satisfaction as aforesaid, the said Commissioners shall thereupon adjudge and determine the Sum or Sums so assessed by such Jury to be paid accordingly; and the Verdict of such Jury, and the Judgment or Determination to be so made thereupon, shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and against all Parties and Persons whomsoever.

Compulsory
Purchases
confined to
Property in
Schedule.

LXXIII. Provided also, and be it further enacted, That the Powers and Authorities hereby given to the said Commissioners shall not extend or be construed to extend to authorize or empower the said Commissioners to take and use, for the Purposes of this Act, any Messuages, Buildings, Lands, Tenements, or Hereditaments whatsoever, (except Land which may be required for the Purpose of widening any Road or Roads), without the several Consents in Writing of the respective Owners or Proprietors thereof in that Behalf previously had and obtained, save and except only the several Dwelling Houses, Buildings, and Hereditaments which are described and comprehended in the Schedule annexed to this Act.

Misnomers
or wrong
Description
in Schedule
(B.) not to
prevent the
Execution of
this Act.

LXXIV. Provided always, and be it further enacted, That if any of the Messuages, Buildings, Lands, Tenements, or Hereditaments, mentioned and described in the Schedule (B.) hereunto annexed, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, or the Owner or Owners, Leaseholder or Leaseholders thereof, or any other Person or Persons interested therein, or in any Part thereof, shall happen by Mistake to be misnamed or incorrectly described, then and in such Case, on the same being certified by any Two of His Majesty's Justices of the Peace, such Misnomer or incorrect Description shall not prevent or retard the Execution of this Act, but the same Premises, and every Part thereof, shall and may be purchased, sold, assessed, and valued in manner as in this Act mentioned, and afterwards conveyed, disposed of, and applied for and to the Purposes of this Act, as fully and effectually as if the same was or were properly named and described in the said Schedule (B.) hereunto annexed.

Premises
mentioned in
Schedule
to be pur-
chased within
Five Years.

LXXV. Provided also, and be it further enacted, That in case the said Commissioners shall not purchase the Lands, Buildings, Tenements, and Hereditaments mentioned in the Schedule to this Act annexed, within the Space of Five Years from the passing of this Act, all the Powers granted by this Act for purchasing, taking, or using the same, or such of them as shall not then have been purchased, shall cease and determine, save and except with the Consent of the Owners or Proprietors thereof for the Time being.

Tenant to
deliver Pos-
session after
Six Months
Notice.

LXXVI. And be it further enacted, That all Tenants or Persons in Possession of any Messuages, Cottages, Buildings, Lands, Tenements, or Hereditaments which shall or may be purchased in pursuance of this Act by the said Commissioners, or vested in them for any of the Purposes of this Act, who shall have no greater Estate in the Premises than Tenants at Will, or Lessees for a Year, or from Year to Year at Rack Rent, or for a Term

a Term of Years, shall, at the End of Six Calendar Months next after Notice in Writing, signed by the Clerk or Clerks of the said Commissioners, shall have been given to him, her, or them, or left at his, her, or their usual Place or Places of Abode, or at the Premises which shall be the Subject of such Notice; and all other Tenants or Persons in Possession of any such Messuages, Buildings, Lands, Tenements, or Hereditaments, who shall have any greater Estate or Interest in the said Premises than as aforesaid, or who by reason of any Erections or lasting Improvements made, or otherwise, shall have any equitable Claim or Interest in or upon the said Premises, shall also, at the End of Six Calendar Months next after the like Notice so given or left as aforesaid, and upon Payment or Tender being made to them of such Recompence or Satisfaction for their Term, Estate, or Interest in the Premises, as shall be mutually agreed upon, or shall, in default of such Agreement, be settled, ascertained, and awarded by the Verdict or Inquisition of a Jury in manner aforesaid, (and to which all the Provisions herein-before contained as to other Inquisitions shall be held to apply) quit and relinquish the said several Premises so in their respective Possessions unto the said Commissioners, or such Person or Persons as shall be appointed by them to receive Possession of the same; and all Leases, Demises, Contracts, and Agreements whatsoever, under or by virtue whereof any such Tenants or Lessees shall hold the said Premises, shall at and from the End and Expiration of such Six Calendar Months, be absolutely void and of none Effect as against the said Commissioners; and if any such Tenant or Lessee as aforesaid shall refuse or neglect to deliver up the Premises in his or her Possession at the Expiration of such Six Calendar Months, it shall be lawful for any Justice of the Peace for the said County to issue his Precept or Warrant to the Constables in the said Borough for the Time being, or any of them, commanding and requiring such Constables, or any of them, to cause Possession of the said Premises to be taken and afterwards delivered to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same on behalf of the said Commissioners, and the said Constables, and every of them, are thereupon hereby authorized and required to cause such Possession to be taken and delivered accordingly.

LXXVII. And be it further enacted, That if any Money shall be paid or agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there, *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the

Application
of Compensation Money
amounting to
200*l.*

1 G. 4. c. 35. Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain, until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the meantime, and until such Order can be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Application
of Compensation
Money when less
than 200*l.*
and not less
than 20*l.*

LXXVIII. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners, or any Three or more of them, to be signified in Writing under their respective Hands), be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or

otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased and settled, such Nomination to be approved of by Three or more of the Commissioners for executing this Act, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

LXXIX. Provided also, and be it further enacted, That where such Money so agreed to be paid as last herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act; for his, her, or their own Use and Benefit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

Application
of Compensation
Money
when less
than 20*l*.

LXXX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners, or in case the Person or Persons to whom such Sum or Sums of Money shall be agreed to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the said Court of Exchequer, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning

In cases of
not making
out Titles, or
Persons en-
titled not
being found.

and

do hereby grant and convey to the said Commissioners all [*describe the Premises*], and all my [*or our*] Right, Title, and Interest to and in the same, and every Part thereof; to hold to the said Commissioners for ever [*or other Estate and Interest, as the Case may be*] to and for the Uses and Purposes of the said Act. In witness whereof, I [*or we*] have hereunto set my [*or our*] Hand and Seal [*or Hands and Seals*] this Day of _____ in the Year of our Lord _____

And every such Sale, Conveyance, and Assurance made in manner aforesaid, shall be valid and effectual to all Intents and Purposes, and shall be sufficient in Law to vest the Property of and in any such Messuages, Shops, Buildings, Lands, Tenements, and Hereditaments so purchased and conveyed as aforesaid in the said Commissioners, for the Uses and Purposes of this Act; any Law, Statute, Usage, or other Matter or Thing to the contrary thereof notwithstanding.

LXXXIV. And be it further enacted, That every Sum of Money or Recompence to be agreed for or assessed by a Verdict of a Jury as aforesaid, shall be paid out of the Money to be raised by virtue of this Act, either to the Party or Parties respectively entitled thereto, or to their Agents; and upon Payment thereof to the Party or Parties entitled to receive the same, or depositing the same in the Bank of *England* in the Manner directed by this Act, within Three Calendar Months after the same shall have been so agreed for or assessed as aforesaid, for the Use of such Person or Persons respectively, and after Payment thereof as aforesaid, and on Ten Days Notice thereof given to such Parties or Persons, or their Agents, or left at their respective usual Places of Abode, or at their last known Place of Abode, or with the Tenant or Tenants in Possession of such Lands, Tenements, or Hereditaments, then such Lands, Tenements, or Hereditaments shall become absolutely vested, according to the Tenure thereof, in the said Commissioners for the Purposes of this Act.

Property vested in Commissioners on Payment or Tender of Purchase Money.

LXXXV. And be it further enacted, That it shall be lawful for the said Commissioners to sell and dispose of so many or such Part or Parts of the Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased by or vested in them by virtue of the Powers herein contained, as shall at any Time be found to be unnecessary or more than sufficient for the Purposes of this Act; and for completing and carrying any such Sale or Sales into Effect, the said Commissioners, or any Five or more of them, are hereby authorized and empowered to make and execute any Conveyance or Conveyances of such of the said Premises as shall have been so sold or disposed of, unto the Purchaser or Purchasers thereof; and such Conveyance or Conveyances shall in all Cases be deemed sufficient in the Law to vest such of the said Premises as shall be expressed and intended to be granted by such Conveyance or Conveyances in the Purchaser or Purchasers thereof, and his, her, or their respective Heirs and Assigns: Provided always, that the Person or Persons who is or are or who shall be the Owner or Owners of the adjoining Premises at the Time when the same were purchased or taken by the said Commissioners for the Purposes of this Act, shall have the first Preference of purchasing such Part or Parts of the said Premises as shall be found unnecessary as aforesaid; and in case any such Owner or Owners of such adjoining Premises shall,

Power to re-sell Premises not wanted.

Owners of adjoining Premises to have the first Offer.

shall, upon the same being offered to him or them by the said Commissioners in that Behalf, decline or refuse to purchase the same, then and in every such Case, an Affidavit being made and sworn before a Master or Master Extraordinary of the High Court of Chancery, by some Person or Persons (not interested in the Premises), stating that such Offer was made by or on the Behalf of the said Commissioners, and that such Owner or Owners of such adjoining Premises declined or refused to purchase the same Premises, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was declined or refused by such Owner or Owners; but in case such Owner or Owners of the adjoining Premises shall be desirous of repurchasing the same, and cannot agree with the said Commissioners in regard to the Price to be paid for the Purchase thereof, then and in such Case the Price or Value thereof shall be settled and ascertained by a Jury, in like Manner as the Recompence or Satisfaction for any Hereditaments to be taken by the said Commissioners for the Purposes of this Act is herein-before directed to be settled and ascertained; and the Costs and Charges of ascertaining and determining the same shall be borne and paid in like Manner as is herein-before directed with respect to Purchases made by the said Commissioners; and all Monies to arise by any Sale or Sales which may be made by the said Commissioners of the said Premises, or any Part or Parts thereof, shall be applied to the general Purposes of this Act; but the Purchaser or Purchasers thereof, having paid his or their Purchase Monies to the Treasurer of the said Commissioners, and obtained his Receipt or Receipts for the same, shall not be liable to see to the Application of the said Monies, or answerable or accountable for the Misapplication or Nonapplication of the same.

In case of Nonpayment of Compensation for Materials or Damage done by the Commissioners, &c. the same to be levied by Distress of the Goods of such Commissioners, &c.

LXXXVI. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by any Justice or Justices to be paid in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioners, or by any Persons acting by or under their Authority, and such Sum and Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same, within Ten Days after Demand in Writing shall have been made, stating the Order of such Justice or Justices, and delivered to the Clerk to the said Commissioners, or to their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by an Action at Law against the said Commissioners or their Treasurer, or by Distress and Sale of the Goods and Chattels vested in the said Commissioners by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing

hearing, and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Commissioners, or their Treasurer for the Time being, as the Case may be.

LXXXVII. And be it further enacted, That from and after the passing of this Act, all Common Rights, and all other Rights whatsoever, upon and over the aforesaid Open and Common or Waste Lands, shall cease, determine, and be for ever extinguished, and the said Open and Common or Waste Lands shall be and the same are hereby vested in the Commissioners for executing this Act, in trust for the Intents and Purposes hereinafter mentioned; and the said Commissioners shall and are hereby required to sell and dispose of such Open and Common or Waste Lands to any Person or Persons whomsoever, by public Auction or private Contract, in such Lot or Lots as the said Commissioners shall think fit; and all Lands and Hereditaments to be so sold shall be conveyed as Freehold of Inheritance in Fee Simple, discharged of all Common Rights and other Rights as aforesaid, unto or in trust for the Purchaser or Purchasers thereof respectively, and a Conveyance and Conveyances of the same, by Lease and Release, or Feoffment, made and executed by the said Commissioners, or any Three of them, upon Payment of the full Purchase Money for the same into the Hands of the said Commissioners, or any Three or more of them, or of their Treasurer for the Time being, or of any Person or Persons to be by the said Commissioners appointed for receiving such Purchase Money, (whose Receipt or Receipts shall be a sufficient Discharge for the Payment thereof), shall be valid and effectual in the Law to vest the same in such Purchaser or Purchasers, and his, her, and their respective Heirs, Appointees, and Assigns, absolutely for ever, and the same and every or any Part or Parts thereof shall or may be inclosed by any such Purchaser or Purchasers, or his, her, or their respective Heirs or Assigns; and such Purchaser or Purchasers shall not be liable to see to the Application of the respective Purchase Monies, or be liable or accountable for the Misapplication or Nonapplication of the same.

Sale of Waste Lands.

LXXXVIII. And be it further enacted, That as soon after the passing of this Act as conveniently may be, the Value of the said Rights of Common in and over the said Common Meadow called *King's Mead* shall be ascertained by competent Persons to be appointed Referees for that Purpose in manner following; (that is to say), one Referee to be appointed by the said Commissioners, or any Three or more of them, and the other Referee to be appointed by the Proprietors of the First Crop or Vesture of the said Meadow; and such Referees shall be and are hereby authorized and empowered, by such Ways and Means as they shall think fit, to ascertain and fix the Value of such Rights of Common; and in case the said Referees shall differ in Opinion respecting the Value thereof, then such Rights of Common shall be valued by a Third Person, to be nominated by such Referees in Writing under their Hands before they shall themselves proceed upon such Valuation; and upon such Valuation being made, the same shall, by such Referees or Umpire, be reduced into Writing under their Hand, and shall be thereupon given and delivered to the Clerk to the said Commissioners, and such Clerk shall and is hereby required to make and deliver to each of the Proprietors of the First Crop or Vesture a true Copy of such Valuation or Valuations, and the Original or Originals

Valuation of the Common Rights on the Meadow to be made.

Originals shall afterwards be preserved by the said Clerk among the Proceedings of the said Commissioners, and shall at all seasonable Times be open to the Inspection of all Parties interested, and the same shall and may be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and the Costs and Expences attending such Reference, Valuation, and Umpirage shall be paid as follows; one Moiety thereof by the said Commissioners, and the other Moiety by the Proprietors of the First Crop or Vesture aforesaid, in proportion to their respective Rights and Interests; and in case such Referees or Umpire, any or either of them, shall be prevented by Death or other Cause, or shall neglect or refuse to make and complete the Valuation within Six Calendar Months next after they shall be so respectively appointed as aforesaid, then some other Person or Persons shall in like Manner, from Time to Time, be appointed in their Stead, by the respective Parties for the Purposes aforesaid.

Declaring that the Sum fixed on shall be deemed the Value of the Rights of Common.

LXXXIX. And be it further enacted, That the Sum or Amount of such Valuation shall for the Purposes of this Act be deemed the Value of the said Rights of Common respectively, and the said Sum or Amount of such Value shall be paid to the said Commissioners, or their Treasurer for the Time being, or to any other Person or Persons to be by them appointed to receive the same, by the Proprietors of the First Crop or Vesture of the said Meadow, and a Receipt for the Sum or Sums to be so paid shall be given to the said Proprietors, signed by any Three of the said Commissioners, and such Receipt shall be enrolled in the Office of the Clerk of the Peace of the County of *Gloucester*, for which Enrolment the said Clerk of the Peace shall be paid the Sum of Two Pounds and Two Shillings, and no more; and from and after the Day of the Date of the Enrolment of such Receipt, all Rights of Common and other Rights upon or over the said Common Meadow shall cease, determine, and be for ever extinguished; and the said Common Meadow shall be and the same is hereby declared to be from thenceforth for ever freed and discharged of and from all Rights of Common, and all other Rights upon or over the said Common Meadow, or any Part or Parts thereof; and the said Common Meadow, and every or any Part or Parts thereof, shall or may be inclosed by any such Proprietors, or his, her, or their respective Heirs or Assigns; and the said Proprietors respectively shall not be obliged to see to the Application, or be answerable for the Misapplication or Non-application of such Money; and a Copy of the Enrolment of such Receipt, or of any Part thereof, signed by the Clerk of the Peace or his Deputy, shall be received as Evidence in all Actions of Trespass and in all Suits and Trials before any Judges, Justices, and others whomsoever.

Proprietors not paying the Value within One Month, Commissioners may sell to other Persons.

XC. Provided also, and be it further enacted, That in case such Proprietors or Proprietor, or his, her, or their Heirs or Assigns, shall within One Calendar Month next after such Valuation shall have been made as aforesaid, and a Copy thereof given to him, her, or them in manner herein-before directed, refuse, decline, or neglect to pay the Sum or Amount of such Value to the said Commissioners or their Treasurer for the Time being, or to any other Person or Persons to be by them appointed to receive the same, then and from thenceforth the said Commissioners shall and they are hereby authorized, required, and empowered to sell and dispose of such Commonable Rights, Rights of Common,

Common, and all other Rights whatsoever in and over the said Common Meadow called *King's Mead*, to any Person or Persons whomsoever, by public Auction or private Contract, in such Lot or Lots as the said Commissioners shall think fit, and the same shall be conveyed unto or in trust for the Purchaser or Purchasers thereof respectively; and a Conveyance by Lease and Release, Feoffment, or other Assurance, shall be made upon Payment of the full Purchase Money for the same into the Hands of the said Commissioners, or any Three or more of them, or of their Treasurer for the Time being, or of any other Person or Persons to be by the said Commissioners appointed for receiving such Purchase Money (whose Receipt or Receipts shall be a sufficient Discharge for the Payment thereof), executed by the said Commissioners, or any Three of them, and shall be valid and effectual in the Law to vest the same in such Purchaser or Purchasers, and his, her, and their respective Heirs and Assigns; and such Purchaser or Purchasers, his, her, and their Heirs and Assigns, shall from thenceforth for ever thereafter have, use, exercise and enjoy the sole and exclusive Right and Common of Pasture for their commonable Cattle in, through, and over the said Common Meadow called *King's Mead*, from the Twelfth Day of *August* to the Fifth Day of *April* in each and every Year; and such Purchaser or Purchasers shall not be liable to see to the Application of the respective Purchase Monies, or be liable or accountable for the Misapplication or Non-application of the same.

XCI. Provided also, and be it further enacted, That the said Commissioners, after the Receipt of the respective Purchase Monies, shall, after applying the same, or so much thereof as is necessary, in defraying the Costs, Charges, and Expences attending and incident to the obtaining and passing this Act and carrying the same into Execution, and which the Commissioners are hereby directed and required to do, place the Overplus of such Purchase Monies out, and invest the Overplus, of such Purchase Monies in some of the Public Funds or Stocks of that Part of the United Kingdom called *England*, or upon Real or other Security, as the said Commissioners shall think proper, in the Name of the Right Honourable *Henry Earl Bathurst*, in trust to pay the Interest, Dividends, and Proceeds thereof to the said Commissioners, or to permit and suffer them to receive the same, to be applied by them from Time to Time, and at all Times after such Investment, in aid of the Rates and Assessments to be made and levied by virtue of this Act on the said Parish.

XCII. And for raising Money for and carrying into Execution the several Purposes of this Act, be it further enacted, That for the Purpose of laying down and repairing the Flagging, Pitching, and Curbstones of the said Footpaths and Gutters, and for the cleansing, draining, lighting, and watching, and repairing and keeping in repair the said Streets, Lanes, Highways, Roads, Passages, and Places within the said Town, and otherwise improving the same Town, or for any or either of the said Purposes, the said Commissioners shall and they are hereby authorized, empowered, and required, when and so often as they shall think necessary, to make One or more Rate or Rates, Assessment or Assessments, in every Year, upon the Tenants or Occupiers of all Dwelling Houses, Shops, Yards, Gardens, Workhouses, Workshops, Warehouses, Coach Houses, Stables, and other Buildings, Cellars, and Vaults, and upon the several Gardens,

[Local.]

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Yards,

Overplus
Monies to be
invested in
the Public
Funds.

Rates.

Yards, Pleasure Grounds, Pastures, and Orchards thereto belonging, and also upon all Arable Lands, Meadows, Pastures, Tithes, Woods, and Hereditaments within the said Town, according to the annual Value of the same respectively, such Rate or Rates, Assessment or Assessments, not to exceed in any One Year the Sum of Four Shillings and Sixpence in the Pound; and all and every such Rate or Rates, Assessment or Assessments, to be made and levied under the Powers of this Act, shall be subject to Appeal in manner herein-after mentioned; and the Money or Monies so respectively rated or assessed on the said Proprietors, Tenants, or Occupiers, shall be paid by them respectively to the Collector, Collectors, or other Person or Persons appointed by the said Commissioners to collect the same.

Powers for
Recovery of
Rates.

XCIII. And be it further enacted, That if any Tenant or Occupier of any such Premises shall neglect or refuse to pay his or her Proportion or Proportions of the said Rate or Assessment to the Collector or Collectors, or other Person or Persons appointed by the said Commissioners to collect the same, for the Space of Three Days after the same shall have become due, and after Demand made thereof at the Dwelling House or usual Place of Abode of such Tenant or Occupier, the same shall be levied and recovered on and from such Tenant or Tenants, or Occupier or Occupiers, so neglecting or refusing, by Distress and Sale of his or her Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace, such Defaulter having been first duly summoned by such Justice or Justices of the Peace to appear before him or them at a Time and Place to be mentioned in such Summons, to show Cause for such Neglect or Refusal; and the Overplus (if any) of the Monies to be raised by such Distress and Sale shall be returned on Demand to the Owner or Owners of the Goods and Chattels so distrained and sold, together with so much thereof as shall remain unsold, after deducting all Costs, Charges, and Expences to be ascertained and directed by the said Justice or Justices; and in default of such Distress it shall be lawful for any such Justice or Justices to commit such Person or Persons to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless Payment shall be sooner made of such Sum or Sums of Money as shall have been found to be due and in arrear upon all or any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences, to be ascertained and determined by the said Justice or Justices respectively.

Exemption
from Rates.

XCIV. Provided always, and be it further enacted, That no Person shall be rated, or pay the Rates or Assessments which shall be made by virtue or in pursuance of this Act, who shall occupy a House or Houses within the said Town of less than the yearly Value of Seven Pounds; and no Rate or Assessment shall by virtue of this Act be charged or made payable by any Person who by reason of his or her Poverty only is or shall be excused from paying any Rate made for the Relief of the Poor.

Exempting
certain
Buildings
from being
rated.

XCV. And be it further enacted, That no Almshouse, Hospital, Workhouse, or Building appropriated to the gratuitous Education of the Poor within the said Township, and not yielding any pecuniary Profit or Advantage,

vantage, shall be liable to be charged with any of the Rates or Assessments to be made by virtue of this Act.

XCVI. And be it further enacted, That in case any Person who shall be rated or assessed by virtue of this Act shall quit his or her House or Houses, Shop or Shops, Warehouse or Warehouses, Coach House or Coach Houses, Gig House or Gig Houses, Stable or Stables, Cellar or Cellars, or other Building, Garden, Land, Tenement, or Hereditament whereon any Rate or Assessment shall be made by virtue of this Act, before he or she shall have paid such Rate, and shall afterwards refuse or neglect, for the Space of One Calendar Month, to pay the same when demanded by Parol of such Person authorized by the said Commissioners, then and in every such Case it shall and may be lawful for any One or more of His Majesty's Justices of the Peace, and he and they is and are hereby required (such Defaulter having been first duly summoned by such Justice or Justices to appear before him or them at a Time or Place to be mentioned in such Summons, to show Cause for such Refusal or Neglect), to grant a Warrant or Warrants of Distress under his or their Hand and Seal or Hands and Seals (on Oath or Affirmation being made before him or them by the said Collector or Person as aforesaid, of such Person having been so rated, and of his or her having quitted the Premises as aforesaid, and of the said Rate or Assessment having been demanded of or from or at the then Place of Abode of such Person, and which Oath or Affirmation such Justice or Justices is and are hereby authorized and empowered to administer), authorizing and directing the Constable or Constables of the Parish, Township, or Place, or other Person or Persons to be specially directed by such Warrant, to distrain the Goods and Chattels of the Person so refusing or neglecting to pay, and to sell the same, rendering the Overplus (if any) after having retained the Rate or Assessment, and all Arrears thereof, and all the Costs and Charges of such Warrant, Distress, and Sale, to the Owner or Owners of such Goods and Chattels respectively; and in default of such Distress, it shall and may be lawful for such Justice or Justices to cause such Defaulter to be apprehended and brought before him, and to commit such Defaulter to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless Payment shall be sooner made of such Sums of Money as shall have been found to be due and in arrear upon any such Assessment or Assessments as aforesaid, together with all Costs, Charges, and Expences attending the Recovery thereof, such Costs, Charges, and Expences to be ascertained and directed by such Justice or Justices.

Recovery of Rates from Persons quitting the Premises rated.

XCVII. And be it further enacted, That in all Cases where any Person shall remove from or quit the Possession of any House, Building, Land, Ground, or other Tenement or Hereditament, the Tenant or Occupier whereof shall be rated or assessed, or be liable to be rated or assessed, by virtue of this Act, such Person so removing from or quitting the same shall be liable to pay such Rate or Assessment in proportion to the Time that such Person occupied the same respectively, and in like Manner as if such Person had not removed from or quitted the Possession of the same; and in all Cases where any Person shall come into or occupy any House, Building, Ground, or other Tenement or Hereditament rated or assessed, or liable to be rated or assessed as aforesaid, out of or from which

Persons removing to pay in proportion.

which any other Person shall have removed, or which at the Time of making any such Rate or Assessment was empty and unoccupied, the Person or Persons coming into or occupying the same shall pay such Rate or Assessment, or a due Proportion thereof (although his, her, or their Name or Names may not be inserted in such Rate or Assessment), in proportion to the Time that such Person or Persons shall occupy the same respectively, and in like Manner as if such Person or Persons had been originally rated or assessed by Name in such Rate or Rates, Assessment or Assessments, which said Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners.

Ready-furnished
Houses how
assessed.

XCVIII. And be it further enacted, That the Lessee, Landlord, or Owner of all Houses, Buildings, or Tenements within the said Town which is or shall or may be let out ready-furnished, or in separate Apartments, Rooms, or Floors, shall be deemed and taken to be the Tenant or Occupier thereof for the Purposes of this Act, and shall be liable and subject to the Rates or Assessments directed by this Act to be made, raised, and levied, according to the yearly Value of the Premises; and every such Lessee, Landlord, or Owner, and all and every Person or Persons renting or occupying any such ready-furnished House or separate Apartments, Rooms, or Floors as aforesaid, shall be liable and compellable to pay the said Rates and Assessments, to be recovered in manner herein directed; and every such Tenant or Occupier who shall pay any such Rates or Assessments, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same from and out of the next Rent due and payable from him, her, or them to such respective Lessee, Landlord, or Owner; and the Receipt for such Payment shall be a sufficient Discharge for such Tenant or Occupier to his or her Landlord for so much Money as he or she shall pay, or as shall be levied on him or her by virtue of this Act; but no such Tenant or Occupier shall at any Time be required to pay, or be subject or liable to pay, any greater Sum for or towards the Discharge of the said Rates or Assessments, or any of them, and Arrears thereof, than the Amount of the Rent actually due and payable by such Tenant or Occupier to the Lessee, Landlord, or Owner of the Premises so let out ready-furnished or in separate Apartments, Rooms, or Floors, to him or her: Provided always, that nothing herein contained shall extend to prejudice or vacate any Agreement between Landlords and Tenants.

Commissioners may
amend Rates.

XCIX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to amend any Rate or Assessment to be made by virtue of this Act, by inserting therein the Name or Names of any Person or Persons who ought to have been rated, or by striking out the Name or Names of any Person or Persons who ought not to have been rated therein, or by raising or reducing the Sum or Sums at which any Person or Persons shall have been rated therein, who shall appear to them to have been underrated or overrated, or by making such other Amendments therein as will in the Judgment of the said Commissioners make such Rate or Assessment conformable to the true Intent and Meaning of this Act; and that no such Amendment so to be made by the said Commissioners in any such Rate or Assessment shall be held to vitiate the same.

C. And

C. And for the more speedy and effectual raising of Money for the several Purposes of this Act, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, from Time to Time to borrow and take up at Interest, upon the Credit of the several Rates or Assessments to be laid and levied by virtue of this Act, any Sum or Sums of Money, not exceeding in the whole the Sum of Ten thousand Pounds, and by Writing under their Hands and Seals to mortgage or assign over the said several Rates or Assessments, or any Part thereof, to the Person or Persons who shall advance or lend such Money, or his, her, or their Trustee or Trustees, as a Security for the Money so to be borrowed, together with Interest for the same; and every such Mortgage or Assignment shall be according to the Form or to the Effect following; (that is to say),

Power to borrow Money.

BY virtue of an Act passed in the Sixth Year of the Reign of His Majesty King George the Fourth, intituled [*set forth the Title of this Act*], we of the Commissioners appointed by the said Act, in consideration of the Sum of _____ paid to us by *A. B.* [*insert the Name, Place of Abode, and other necessary Addition of the Lender*] for the Purposes of the said Act, do grant and assign unto the said *A. B.*, his [*or her*] Executors, Administrators, and Assigns, [*or to his or her Trustee or Trustees, as the Case may require,*] such Proportions of the Rates or Assessments arising by virtue of the said Act [*specifying the Parish, and the particular Object for which the Money is raised*] as the said Sum of _____ doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates or Assessments for [*here specify the Parish and Object as aforesaid*]; to be had and holden from this Day until the said Sum of _____ with Interest henceforth for the same at the Rate of _____ *per Centum per Annum*, to be paid _____, shall be fully repaid and satisfied. In witness whereof we have hereunto set our Hands and Seals this _____ Day of _____ in the Year of our Lord _____

Form of Mortgage.

And every such Mortgage or Assignment shall be good and valid and effectual in the Law, provided that the whole Sum to be charged on the Credit of the said Rates or Assessments shall not at any Time exceed the Sum of Ten thousand Pounds.

CL. Provided always, and be it further enacted, That in case the said Commissioners shall think it advisable to raise all or any Part of the said Sum of Ten thousand Pounds by the granting of Annuities for the Life or Lives of any Person or Persons, that it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by any Writing under their Hands and Seals, to grant any Annuity to any Person who shall contribute, advance, and pay into the Hands of the Treasurer to the said Commissioners, any Sum of Money for the absolute Purchase of any such Annuity, to be paid and payable during the natural Life of every such Contributor, or the natural Life of every such Person as shall be nominated by or on behalf of such Contributor at the Time of the Payment of his or her Contribution or Purchase Money; and the Grant of every such Annuity may be according to the Form following; (that is to say),

Money may be raised on Annuities.

[Local.]

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BY

Form of
Grant of An-
nuity.

‘ BY virtue of an Act passed in the Sixth Year of the Reign of King
‘ George the Fourth, intituled [*here insert the Title of this Act*], we
‘ being of the Commissioners
‘ appointed by virtue of the said Act, in consideration of the Sum of
‘ paid to us by *A. B.* [*insert the Name, Place of Abode,*
‘ *and other necessary Addition of the Lender*], for the Purposes of the said
‘ Act, do hereby grant unto the said *A. B.*, his Executors, Administra-
‘ tors, and Assigns, one Annuity or yearly Sum of
‘ out of the Rates or Assessments arising out of [*here state the Parish,*
‘ *and the Object for which the Money is borrowed*], by virtue of the said
‘ Act, which Annuity or yearly Sum of shall be
‘ paid to the said *A. B.*, his Executors, Administrators, and Assigns, at
‘ the House or Office of the Clerk to the said Commissioners
‘ upon the Day of the Day of
‘ the Day of and the
‘ Day of in every
‘ during the natural Life of , the first Payment thereof
‘ to be made upon the Day of next ensuing
‘ the Date hereof. In witness whereof, we have hereunto set our Hands
‘ and Seals this Day of in the Year of our
‘ Lord

And every such Grant shall be a good, valid, and effectual Security in Law for the Payment of such Annuity; which said several Annuities so to be purchased shall be made payable and be paid quarterly during the natural Life of such Contributors respectively, or the natural Life or Lives of such other Person or Persons as shall be nominated by such respective Contributors; and a proportionate Part of such Annuity shall be paid from the last quarterly Payment to the Day of the Death of the Annuitant, or his or her Cestuique Vie; and the said Commissioners shall pay the said Annuities freed and discharged from every Tax and Deduction whatsoever.

Restrictions
as to Grants
of Annuities.

48G.3.c.142.

52G.3.c.129.

CII. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and according to the Rate prescribed by Two several Acts, One passed in the Forty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities*, and the other passed in the Fifty-second Year of the Reign of His said late Majesty, intituled *An Act for amending Two Acts, passed in the Forty-eighth and Forty-ninth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*.

Mode of
transferring
Securities.

CIII. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money borrowed, or to the Annuities granted as aforesaid, by Writing under their Hands, to transfer the same respectively to any Persons, according to the Form following, or to any other Form of Words to the like Purport or Effect, as the Case may be; *videlicet*,

I *A. B.* [*insert the Name, Place of Abode, and other necessary Addition of the Person assigning*], do hereby assign the within Mortgage [*or Grant of the within-mentioned Annuity*], and all my Right and Title in and to the Principal Money and Interest [*or Annuity*], and all Arrears now due thereon and thereby secured, unto *C. D.* [*insert the Name, Place of Abode, and other necessary Addition of the intended Assignee*], his Executors, Administrators, and Assigns. Dated this _____ Day of _____ in the Year of our Lord _____

And Entries or Memorials of all such Mortgages or Assignments, and Grants of Annuities, which shall be made in pursuance of this Act, and of all Transfers thereof, expressing in Words at Length the Names, Additions, and Places of Abode, and other necessary Descriptions of all such Persons as shall from Time to Time be entitled to the Principal Money and Interest, or the Annuities thereby respectively secured, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, which Book any Person interested shall at all Times have free Liberty to inspect, without Fee or Reward; and for the Entry of any such Mortgage, Assignment, or Grant, the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and every such Mortgage, Assignment, or Grant, after such Entry thereof as aforesaid, shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, or Assigns, to the Benefit of the Security or Grant thereby made or transferred; and all Persons to whom such Mortgages, Assignments, or Grants of Annuities shall be made, or who shall be entitled to the Monies or Annuities thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments equally one with another, without any Preference in respect of the Priority of advancing such Money, or to the Dates of such Mortgages, Assignments, or Grants respectively.

Entries to be made of Securities.

any person if unable to

CIV. And be it further enacted, That if any Person shall be summoned as a Witness before any Justice of the Peace touching any Matter contained in any Information or Complaint for any Offence against this Act, either on behalf of the Prosecutor or Prosecutors or on behalf of the Person or Persons accused, and shall refuse or neglect to appear from Time to Time at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum for his or her Costs and Expences, without a reasonable Excuse for his or her Refusal or Neglect of appearing, or shall refuse to be examined upon Oath, or, in case of a Quaker, upon solemn Affirmation, which Oath or Affirmation such Justice is hereby authorized and required to administer, and to give Evidence before such Justice of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on Non-attendance of Witnesses.

CV. And be it further enacted, That if any Person shall obstruct, hinder, or molest any Collector or other Person whomsoever who are or shall be employed to put this Act into Execution, in the Performance or Discharge of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on obstructing the Execution of this Act.

CVI. And

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

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

Recovery and Application of Penalties.

CVII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, the Manner of levying and recovering whereof, and the Appropriation whereof is not hereby particularly directed, may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Justice or Justices of the Peace, on Complaint to him or them for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, who is and are hereby authorized and required to summon and examine any Witnesses upon Oath or Affirmation of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money raised or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be rendered to the Owner or Owners of the Goods and Chattels so seized and distrained; all which Penalties not herein directed to be otherwise applied shall be paid to the Overseers of the Parish or Place within which such Offence shall be committed; and it shall and may be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before the said Justice or Justices, on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any Justice or Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice or Justices shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal, or their Hands and Seals, to commit such Offender or Offenders to the Common Gaol

Gaol or House of Correction, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law: Provided always, that in all Cases where the Penalty imposed by this Act shall exceed the Sum of Five Pounds, no Proceedings before Justices shall be had and taken for the Recovery thereof before a less Number than Two such Justices.

CVIII. And whereas Offences may be committed against this Act by Persons unknown to the Commissioners, Collectors, or other Officers appointed to put the same in Execution; be it therefore further enacted, That it shall be lawful for any of the said Commissioners, or for their Clerk, Collectors, or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, or for any other Person or Persons whomsoever, without any Warrant or other Authority than this Act, to seize and detain any such unknown Person as shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace, and such Justice or Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

For securing transient Offenders.

CIX. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall cause the Conviction to be drawn up according to the Form following; (that is to say),

Form of Conviction.

‘ Gloucestershire } BE it remembered, That on the Day of
 ‘ to wit. } in the Year of our Lord
 ‘ is convicted before me [or us, as the Case may be]
 ‘ or of His Majesty’s Justices of the
 ‘ Peace for the County of Gloucester, of having [here specify the Offence
 ‘ or Omission, and the Time and Place when and where committed or made,
 ‘ as the Case may be]; and I [or we, as the Case may be] do adjudge that
 ‘ the said hath forfeited for his [or her] said Offence
 ‘ the Sum of Given under my Hand and Seal
 ‘ [or our Hands and Seals, as the Case may be], the Day and Year first
 ‘ above written.’

CX. And be it further enacted, That no Order, Judgment, or other Proceeding made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender against this Act, shall be quashed or vacated for Want of Form only, or be removed by Writ of Certiorari, or any other Writ or Process whatsoever, into any of His Majesty’s Courts of Record at Westminster; any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

Conviction not to be quashed or removed by Writ of Certiorari.

CXI. Provided always, and be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties so distraining be deemed a Trespasser

Distress not unlawful for Want of Form.

passer or Trespassers *ab initio* on account of any Irregularity that shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularities may recover Satisfaction for the special Damage in an Action on the Case.

Appeal to
Quarter
Sessions.

CXII. And be it further enacted, That any Body Politic, Corporate, or Collegiate, or any other Person whomsoever, thinking himself or herself aggrieved by any Rate or Assessment, or by any Order or Judgment of the said Commissioners, or by the Order or Determination of any Justice of the Peace in pursuance of this Act, shall and may, within Four Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the County of *Gloucester*, first giving at least Fourteen clear Days Notice in Writing of such Appeal, and of the Nature and Matter thereof in Writing, to the Party or Parties appealed against, except where such Appeal be made against any such Rate or Assessment as aforesaid, or against any other Act, Matter, or Thing made or done by the said Commissioners, or by any Justice of the Peace, and then to the Clerk to the said Commissioners, and within Six Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County of *Gloucester*, with sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon, and to pay such Costs as shall be awarded; and the said Justices, upon due Proof on Oath or Affirmation of such Notice and Recognizance having been given and entered into as aforesaid, shall in a summary Way hear and determine such Complaint at such General or Quarter Sessions of the Peace, or if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace, and shall also award such Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices at such Sessions shall be final and conclusive upon all Parties, to all Intents and Purposes whatsoever.

On Appeal
from any
Rate, the
Quarter Ses-
sions may
amend it
without
quashing it,
or if neces-
sary to grant
Relief, may
quash the
Rate.

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

Inhabitants
not incom-
petent Wit-
nesses.

CXIV. And be it further enacted, That no Person shall in any Action, Prosecution, or other Proceeding whatsoever relating to or concerning the Execution of this Act, be deemed an incompetent Witness on account of his or her being charged with or liable to pay any Rate or Assessment to be raised, levied, or collected by virtue of this Act.

CXV. And be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Twenty-eight Days before such Action shall be commenced, of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants before such Action brought; and in case no such Tender be made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think proper, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as is or shall be practised in other Actions in the Courts of Law, in which Actions the Defendant is allowed to pay Money into Court.

Plaintiff not to recover unless Notice given, or after Tender of Amends.

CXVI. And be it further enacted, That no Action at Law shall be brought against any Person or Persons for any thing done in pursuance of this Act after Three Calendar Months from the Time of the Fact being committed, and every such Action shall be brought and tried in the County or Place within which the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action shall or may, at his, her, or their Election, plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been so done, or if such Action shall have been brought before the Expiration of Twenty-eight Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in any of the said Cases the Jury shall find a Verdict for the Defendant or Defendants upon such Action; or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action after the Defendant or Defendants shall have appeared, or if upon any Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and have such Remedy for recovering the same as any other Defendant hath in other Cases by Law.

Limitation of Actions.

General Issue.

CXVII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons to serve any Notice or Notices upon the said Commissioners, or any Writ or Writs, or other legal Proceedings, or Proceedings in Equity, the Service thereof upon any of the said Commissioners, or left at his usual Place of Abode, or upon the Clerk to the said Commissioners, or left at the Office of such Clerk, or at his last or usual Place of Abode, or upon any Collector or Surveyor of the said Commissioners, or left at his last or usual Place of Abode, shall be deemed a sufficient Service of the same respectively on the said Commissioners.

Directing what shall be deemed a Service of Notice on Commissioners.

CXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person from proceeding by Indictment or otherwise against any of the Officers

Commissioners, &c. liable to be indicted for a Nuisance.

Officers or Workmen of the said Commissioners, Company or Companies, Body or Bodies Politic or Corporate, or other Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building or Premises therein as aforesaid, in respect of any Works, or the Means which shall be employed by them, or any of them, in making the said Gas, and using the same, or furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Action against the said Commissioners, Company or Companies, or Body or Bodies, or Person or Persons as aforesaid, or any of their Officers, Servants or Workmen, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Preparation or the Use of the same Gas, or Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Offenders
fined, &c.
not punished
in Court
Leet for
same Offence.

CXIX. Provided always, and be it further enacted, That no Person who shall be fined or imprisoned for any Offence under the Provisions of this Act, shall be liable to any Process, Fine, or Punishment in the Court Leet for the same Offence.

Rights of the
Lord of the
Manor not to
be affected,
except, &c.

CXX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, lessen, or defeat any Right, Interest, or Property of the Right Honourable *Henry Earl Bathurst*, his Heirs or Assigns, of, in, or to Toll thorough, or of or to the Tollage, Piccage, and Stallage, Profits of Markets and Fairs, or of or in any Power, Privilege, Franchise, or Authority now exercised and enjoyed by him, or which he heretofore might have exercised and enjoyed; but that all and every such Powers, Privileges, Franchises, and Authorities, shall and may (save and except such as are by this Act expressly taken away and extinguished) be exercised and enjoyed in as full and ample a Manner to all Intents and Purposes as the same were exercised and enjoyed immediately before the passing of this Act, or as they would or might have been if this Act had not been passed.

General
Saving.

CXXI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Body and Bodies Politic, Corporate, and Collegiate, and his, her, and their Heirs, Executors, Administrators, and Successors respectively, all Royalties, Liberties, Franchises, Rights, Titles, and Interests (other than and except such as are meant and intended to be by this Act barred, destroyed, and extinguished), which he, they, every or any of them respectively could or ought to have enjoyed, in, to, or in respect of the Commons or Wastes hereby directed to be sold, in case this Act had not been passed.

Defining the
Extent of the
Town of Cirencester.

CXXII. And be it further enacted, That for all and every the Purposes of this Act, the Town of *Cirencester* shall comprise and be deemed to be co-extensive with the Borough of *Cirencester*.

Public Act.

CXXIII. 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, without being specially pleaded.

SCHE-

SCHEDULE (A.) of the Lands and Commons to which this Act refers.

Description of Land.	Names of reputed Owners of first Vesture.	Names of reputed Occupiers.	Where situate.	Quantity.
Waste Land	-	-	Parish of Cirencester	A. R. P. 1 3 8
Waste Land	-	-	Parish of Cirencester	3 3 14
Waste Land	-	-	Parish of Cirencester	0 0 33
Waste Land	-	-	Parish of Cirencester	0 0 13
Waste Land	-	-	Parish of Cirencester	0 0 23
Common Mead	Henry Earl Bathurst	Edward Ritchings	Parish of Cirencester	4 3 37
Common Mead	Miss Jane Master	Elizabeth Bullock	Parish of Cirencester	4 0 8
Common Mead	Miss Jane Master	Thomas Bullock	Parish of Preston	34 3 17
		Joseph Porter		
		Thomas Tarling		
		Harry Bourton		
			Total	49 3 33

[Local.]

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SCHEDULE (B.) to which this Act refers.

Description of Premises.	Names of reputed Owners.	Names of reputed Occupiers.
<i>Gosditch Ward:</i>		
Dwelling House -	Thomas Strong -	Joseph Mountain.
Dwelling House and Shop -	James Harding -	James Harding.
Dwelling House and Shop -	John Masters -	Mrs. Halling.
Dwelling House and Shop -	Thomas Lediard and others -	Mary Dike.
Dwelling House and Shop -	Henry Jenkins -	William Jefferies.
Dwelling House and Shop -	Henry Jenkins -	Henry Jenkins.
Dwelling House and Shop -	Henry Jenkins -	William Moore.
Dwelling House and Shop -	Henry Jenkins -	Richard Hawkins.
Dwelling House and Shop -	Mrs. Cumberland -	Ann Masters.
The Ram Inn -	Robert Tyler -	Robert Tyler.
Old Crown Inn -	Earl Bathurst -	James Hodges.
Swan Inn Stables -	Devises of L. Clutterbuck -	Earl Bathurst.
Dwelling House and Shop -	Earl Bathurst -	Robert Hall.
Dwelling House and Shop -	Earl Bathurst -	Samuel Gillman.
Dwelling House and Shop -	Mrs. Hames -	John Gardner.
Warehouse -	Thomas Brown -	Thomas Brown.
<i>Dyer Ward:</i>		
Dwelling House and Shop -	William Brewer -	William Brewer.
Dwelling House and Shop -	William Howell -	William Howell.
Dwelling House and Shop -	Earl Bathurst -	Thomas Flux.
Dwelling House and Shop -	Earl Bathurst -	Mary Newbery.
Brewhouse -	Mrs. Cumberland -	Ann Masters.
Warehouse -	Maurice Edwards -	Thomas Flux.
Dwelling House -	John Acott -	Daniel Anderson.
Warehouse -	Earl Bathurst -	James Knowles.
Warehouse -	Earl Bathurst -	William Stevens.
Dwelling House -	John Stevens -	Thomas Haines.
Dwelling House and Shop -	Earl Bathurst -	Thomas Osborne.
Dwelling House and Shop -	Earl Bathurst -	James Knowles.
Dwelling House and Shop -	John Acott -	John Acott.
Dwelling House and Shop -	Maurice Edwards -	Maurice Bennett Edwards.
Dwelling House and Shop -	Thomas Taylor -	James Wood.
Dwelling House and Shop -	Thomas Taylor -	Jane Maisey.
Dwelling House and Shop -	Thomas Taylor -	James Mathen.
Dwelling House and Shop -	Assignees of Mary Lewis -	George Edwards.
Dwelling House and Shop -	John Smith -	John Smith.
Dwelling House and Shop -	Earl Bathurst -	William Stevens.
Dwelling House and Shop -	Earl Bathurst -	James Frederick Skipton.
Dwelling House and Shop -	Edmund Young -	Edmund Young and William Pike.
Dwelling House -	Mary Mathews -	Mary Mathews.
Weighing House and Machine Workshop -	Earl Bathurst -	Mary Mathews.
	Earl Bathurst -	John Sweetnam.
Dwelling House and Shop -	William Lawrence -	John Jennings and James Boulton.
Dwelling House and Shop -	P. and J. Whinrey Spencer -	William Eyles.

Description of Premises.	Names of reputed Owners.	Names of reputed Occupiers.
<i>Castle Ward :</i>		
Dwelling House and Shop	Richard Gregory	Richard Gregory.
Dwelling House	Robert Tyler	John Darby.
Stables	Robert Tyler	Robert Tyler.
Dwelling House and Brewhouse	Sarah Pagett	Maria Parsons.
Warehouse	Mrs. Sealey	Christopher Cole.
Storehouse	Joseph Cripps, Edw. Cripps, Thomas Byrch, and John Byrch	Jos. Cripps, Edw. Cripps, Thomas Byrch, and John Byrch.
Dwelling House	John Rogers	John Rogers.
Dwelling House and Shop	Mrs. Cumberland	William Eyles.
Dwelling House and Shop	Mrs. Cumberland	William Townsend.
Dwelling House	Mrs. Cumberland	James Field.
Dwelling House and Shop	Anne Lawrence	Anne Lawrence.
Dwelling House and Shop	Robert Tovey	Allen Evans.
Dwelling House	Robert Tovey	Mary Truman.
Dwelling House and Shop	Robert Tovey	William Hinton.
Barley Mow Inn	Earl Bathurst	Edward Perring.
Dwelling House	Earl Bathurst	William Walker.
Dwelling House	William Hill	William Hill.
Dwelling House and Shop	William Hill	James Brown.
<i>Cricklade Ward :</i>		
Bell Inn	Sarah Pagett	Sarah Pagett.
Dwelling House	Earl Bathurst	Samuel Brunson.
Dwelling House	Earl Bathurst	Mrs. Savory.
Dwelling House	Earl Bathurst	William Cole junior.
Dwelling House and Shop	Earl Bathurst	Henry Adams.
Dwelling House	Earl Bathurst	Thomas Witts.
Dwelling House	Earl Bathurst	Charles Hayward.
<i>Saint Lawrence Ward :</i>		
Dwelling House	Devises of Solomon Ivin	Ann Flux.
Dwelling House and Shop	Devises of Solomon Ivin	John Bliss.
Dwelling House	Devises of Solomon Ivin	Henry Evans.
Fellmongers Workshop, Pits, and Warehouse	Thomas Slatter	Thomas Slatter.
Dwelling House	Earl Bathurst	John Godwin.
Dwelling House	William Webb	John Marks.
Dwelling House	William Bridges	William Brook Garland.
Dwelling House	Trustees of Saint John's Hos- pital	Void.
Dwelling House	Thomas Matthews	Thomas Matthews.
<i>Dollar Ward :</i>		
Red Lion Inn	Thomas Vaisey	Thomas Niblett.
Dwelling House and Shop	Robert Roberts	John Fisher.
Dwelling House and Shop	Henry Date	Henry Date.

Description of Premises.	Names of reputed Owners.	Names of reputed Occupiers.
<i>Suburbs: D</i>		
Dwelling House and Garden -	Thos. Byrch and Geo. Smith -	William Packer Budd.
Cottage -	Thos. Byrch and Geo. Smith -	Jane Benson.
Cottage -	Thos. Byrch and Geo. Smith -	Elizabeth Ludlow.
Dwelling House and Edge- tool Mill -	Joseph Cripps -	John Deighton.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1825.