



ANNO TRICESIMO NONO

# GEORGI II. REGIS.

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## Cap. 61.

An Act for paving the Footways, and for cleansing, lighting, and regulating, the Streets, Lanes, and other publick Passages and Places, within the Town of *Trowbridge*, in the County of *Wilts*, and for removing and preventing Nuisances, Annoyances, and Obstructions therein. [1st July 1799.]

**W**HEREAS the Footways in the several Streets, Lanes, and other publick Passages and Places, within the Town of *Trowbridge*, as herein-after described, in the County of *Wilts*, are not properly paved, cleansed, and lighted, and are subject to various Encroachments, Obstructions, Nuisances, and Annoyances; and are in some Places very incommodious and unsafe for Travellers and Passengers: And whereas it would be a great Benefit, Advantage, and Convenience, to the Inhabitants of the said Town, as well as to all Persons resorting to and passing through the same, if the said Footways were properly paved, and the said several Streets, Lanes, and other Passages and Places were well and sufficiently cleansed, lighted, and regulated, and all Encroachments, Obstructions, Nuisances, and Annoyances, were removed, and in future prevented: 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 *Henry Bythefea, Henry Frederick Bythefea, Samuel Bythefea, Edmund Bythefea, Charles Bythefea, Thomas Bythefea*, the Reverend *John Lewis Bythefea*, the Reverend *Nicholas Cross, Samuel Cook, John Clark, Nicholas Cross, John Hawker Cross, James Coles*, the Reverend *John Cooper*, the Reverend *John Clark, Thomas Stratton Coles, Thomas Drinkwater, Joseph Houlton Drinkwater, John Dowding, Thomas Deacon, Benford Deacon, William Dunn, Joseph Dunn, Joseph Dunn the younger, Nathaniel Edwards, Philip James Gibbs, Thomas Gould, Abraham Ludlow the younger, Edward Horlock Mortimer*,  
[Loc. & Per.]

Preamble.

Commissioners.

Edward Horlock Mortimer the younger, Joseph Mortimer, Francis Naish, Francis Benjamin Naish, Julius Samuel Rich, John Stillman, Thomas Stillman, Thomas Stillman the younger, Ephraim Salter, James Selse, Thomas Timbrell of Trowbridge, Thomas Timbrell the younger, Thomas Turner, John Waldron, William Everett Waldron, William Waldron, Thomas Walker, Stephen Williams, Robert Weaver, Samuel Way, and their Successors, to be elected as herein-after mentioned, shall be, and they are hereby appointed Commissioners for putting this Act in Execution.

Election of  
new Commis-  
sioners.

II. And be it further enacted, That when and as often as any of the Commissioners hereby appointed, or to be from Time to Time elected as herein-after mentioned, shall die, or refuse to act, or shall remove from and reside more than One Mile from the Parish of *Trowbridge*, it shall be lawful for the surviving or remaining Commissioners, at a Meeting to be held for that Purpose, by Writing under their Hands, to elect another proper Person residing within the said Town, or within One Mile thereof, in the Room and Place of every Commissioner so dying, refusing to act, or removing as aforesaid, Notice being given by the Clerk to the said Commissioners of the Time and Place of Meeting for every such Election, by fixing the same on the Door of the Parish Church of *Trowbridge* aforesaid, at least Seven clear Days before the Meeting for such Election; and every Person so elected shall have the same Powers and Authorities for putting this Act in Execution, in all Respects whatsoever, as if he had been named a Commissioner in this Act.

Qualification  
of Commis-  
sioners.

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 at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the actual Possession, Enjoyment, or Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent of some Person having an Estate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds above Reprizes, or shall be possessed of or entitled to a Personal Estate of the Value of Two thousand Pounds clear of all Deductions, nor (except in administering the Oath or Affirmation herein-after mentioned), until he shall have taken and subscribed before the said Commissioners, or any Three or more of them, who are hereby authorized and required to administer the same, an Oath, or, being One of the People called *Quakers*, an Affirmation, in the Words or to the Effect following; (*videlicet*),

Commissioners  
Oath.

‘ I do swear, [*or affirm*], That I am truly and *bona fide* in  
‘ my own Right, [*or, in the Right of my Wife*], in the actual Pos-  
‘ session, Enjoyment, or Receipt of the Rents and Profits of Lands, Te-  
‘ nements, or Hereditaments, of the clear yearly Value of One hundred  
‘ Pounds above Reprizes, [*or, that I am Heir Apparent of some Person*  
‘ having, to the best of my Knowledge and Belief, an Estate in Lands,  
‘ Tenements, or Hereditaments, of the clear yearly Value of Two hun-  
‘ dred Pounds above Reprizes, *or, that I am possessed of or entitled to*  
‘ a Personal Estate of the Value of Two thousand Pounds, clear of all  
‘ Deductions], and that I will truly and impartially, according to the best  
‘ of my Skill and Judgement, execute and perform all and every the  
‘ Powers and Authorities reposed in me by virtue of an Act, passed in the  
‘ Thirty-

‘Thirty-ninth Year of the Reign of His Majesty King *George* the Third,  
‘intituled, [*here set forth the Title of this Act.*]

‘So help me GOD.’

And if any Person, not being qualified as aforesaid, shall presume to act as a Commissioner in the Execution of this Act, he shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Plaint, or Information, wherein no Effoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor, than that such Person hath acted as a Commissioner in the Execution of this Act.

Penalty for acting if not qualified.

IV. Provided always, That it shall be lawful for any Commissioner who shall be in the Commission of the Peace, to act as Justice of the Peace in the Execution of this Act, notwithstanding his being a Commissioner.

Commissioners may act as Justices.

V. And be it further enacted, That the said Commissioners, or any Seven or more of them, shall and may meet at the *George Inn*, in the Market Place, or at such other Place as the said Commissioners, or any Seven or more of them, shall appoint, in the Town of *Trowbridge* aforesaid, on the Fifteenth Day of *July* One thousand seven hundred and ninety-nine, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Five in the Afternoon, in order to put this Act in Execution, and shall and may then and from Time to Time afterwards adjourn themselves to, and meet at any convenient Place within the said Town, as the Commissioners at any Meeting assembled may think proper; and if it shall happen that there shall not appear at any such Meeting a sufficient Number of Commissioners to act and to adjourn to any other Day, (Two Commissioners being always to be deemed sufficient for the Purpose of Adjournment), or if they shall at any Time neglect or refuse to adjourn, then and in every such Case, any Three of the said Commissioners, or the Clerk to the said Commissioners, shall, and they are respectively hereby authorized to call a Meeting, publick Notice being thereof given by affixing the same on the principal Doors of the Parish Church of *Trowbridge* aforesaid, at least Seven clear Days before such Meeting; and at all Meetings to be held in pursuance of this Act, the Commissioners shall defray their own Expences; and no Act of the said Commissioners, except that of Adjournment or calling a Meeting as aforesaid, (or except in such Cases as are herein expressly provided for), shall be valid, unless made or done at some Meeting held by virtue of this Act; and that all the Powers and Authorities by this Act granted to or vested in the said Commissioners, shall and may, from Time to Time, be exercised by the major Part of the Commissioners present at any Meeting to be holden by virtue of this Act, (the Number of Commissioners present at such Meeting not being less than Five, except as aforesaid, and except any other Number is hereinafter particularly mentioned); and that a Chairman shall and may, in the first place, be appointed at every such Meeting, and in all Cases the said Commissioners shall vote by Ballot in case the same is desired by any Three or more of them, then present; and in case of an equal Number

Time and Place of Meeting to put Act in Execution.

Power to appoint a Meeting where no Adjournment.

Commissioners to defray their own Expences.

No Act valid but at a Meeting.

Chairman to be appointed.

Casting Vote.  
of

of Votes upon any Occasion, (including the Chairman's Vote), the Chairman shall have another, and the Casting Vote.

Manner of re-  
voking Orders.

VI. And be it further enacted, That no Order made by the said Commissioners at any of their Meetings shall be revoked or altered, unless at some Meeting to be held in pursuance of this Act, (Notice of which is to be given in Manner aforesaid), and unless Thirteen or more of the said Commissioners shall attend at such Meeting, and Two Thirds of the Commissioners present shall agree to revoke and alter the same; any Thing in this Act contained to the contrary notwithstanding.

Proceedings to  
be entered in  
Books, &c.

VII. And be it further enacted, That the said Commissioners shall cause to be provided and kept proper Books, and shall, either by themselves or by their Treasurer or Clerk, cause fair and regular Entries to be made in such Books of all their Acts, Orders, and Proceedings, relative to the Execution of this Act, and of the Names of all such Commissioners as shall be present at any Meeting; and a competent Number of the said Commissioners, or their Treasurer or Clerk by their Order, shall always subscribe his or their Name or Names at the End of the Orders or Proceedings of the said Commissioners at every Meeting to be held in pursuance of this Act; and all Entries in such Books being signed as aforesaid shall be deemed Originals, and the same, or true Copies thereof, shall be allowed to be read in Evidence in all Suits, Actions, Informations, Appeals, and other Proceedings, touching any Thing done in pursuance, or by virtue or colour of this Act, or touching any Penalty or Forfeiture hereby made recoverable, or any other Matter relating to the Execution hereof; and such Books shall, at any of the Meetings of the said Commissioners, and at all seasonable Times in the Day Time, be open and liable to the Inspection of all and every the said Commissioners, and of all and every Person and Persons rated and assessed for the Purposes of this Act, and also of all and every the Creditors on the Rates and Duties hereby granted and made payable.

Books, &c. to  
be Evidence.

Books may be  
inspected.

Commission-  
ers may ap-  
point Officers.

VIII. And be it further enacted, That the said Commissioners shall and may, at their First or any subsequent Meeting, appoint One or more Treasurer or Treasurers, Clerk or Clerks, and One or more Assessor or Assessors, and Collector or Collectors of the Rates or Assessments hereinafter mentioned, and also a Collector or Collectors, Receiver or Receivers, of the Tolls hereby granted and made payable, and also a Surveyor or Surveyors, Scavenger or Scavengers, and such other Officers for the Execution of this Act, as the said Commissioners shall think proper, and may from Time to Time remove him or them, and appoint others in the Room of such of them as shall be so removed, or shall die, or shall otherwise relinquish or discontinue, or be 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 to all other Persons by the said Commissioners employed in the Execution of this Act, as they shall think reasonable; and the said Commissioners may, and they are hereby required to take such Security from such Officers for the due Execution of 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 and Times, and in such Manner as the said Commissioners

Officers to give  
Security, and  
account;

missioners shall direct), 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 respectively by virtue of this Act, and also of all the Monies which shall have been by such Officer or Officers, and Person or 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 all the said Officers and Persons so accounting as aforesaid shall, upon Oath, if thereunto required by the said Commissioners, (which Oath the said Commissioners, or any One or more of them, is or are hereby empowered and required to administer), verify their said Accounts; and if any of such Officers or Persons shall neglect or refuse to deliver any such Accounts as aforesaid, or to verify the same upon Oath as aforesaid, or to produce and deliver up the Vouchers relative to the same, or 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, any Action or Actions against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid, in order for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, Person or Persons respectively, with 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, of any such Neglect or Refusal as aforesaid, to any One or more of the Justice or Justices of the Peace of the Borough, County, or Place wherein such Officer or Officers, Person or Persons, so neglecting or refusing, shall be or reside, 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 Officers, Person or Persons so neglecting or refusing, to be apprehended and brought before him or them, and upon his or their 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 Confession of the Party or Parties; or by the Testimony of any credible Witness or Witnesses upon Oath, 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 Officers, Person or Persons, such Justice or Justices may, and is and are hereby authorized and required, upon Nonpayment thereof before him or them, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money, and all such Charges to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively, and paid to the

and pay what remains in Hand;

and to verify Accounts on Oath.

On Refusal to render Accounts, &c.

Commissioners may sue, or a Magistrate may give Relief.

[Loc. & Per.]

10 L

said

For Want of  
Distress, &c.  
Officers may  
be committed.

said Commissioners, or as they shall appoint; and if no Goods and Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of such Distress and Sale, 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 Officers, Person or Persons, hath or have neglected or refused to deliver any such Account as aforesaid, or to verify the same 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, were in the Custody or Power of any such Officer or Officers, Person or Persons, and he or they hath or have 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 for the Borough, County, or Place, where such Offender or Offenders shall be or reside, there to remain, without Bail or Mainprize, until he or they shall make Payment to the said Commissioners, or whom they shall appoint, of such Money as aforesaid, or shall compound 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 or they shall deliver every such Account as aforesaid, or verify the same as aforesaid, or produce and deliver up such Vouchers as aforesaid, or shall deliver or give Satisfaction respecting such Books, Papers, and Writings respectively as aforesaid, according as the Circumstances of each respective Case shall require; but no 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 Three Calendar Months.

When Officers  
die or become  
Bankrupts,  
Executors, &c.  
to deliver up  
Books, &c.

IX. And be it further enacted, That in case of the Death of any such Officer or other Person to be appointed as aforesaid, or of his becoming Bankrupt, the Executors or Administrators of such respective Officer or other Person, or the Assignees of his Estate and Effects, or other Person or Persons possessing the same, shall deliver up to the said Commissioners, or some Person appointed by them, all Books, Papers, Writings, and other Things, concerning the Office of such Officer, or otherwise relating to the Execution of this Act, which shall come to the Hands or Possession of such Executors, Administrators, Assignees, or other Persons as aforesaid; and in case of Non-delivery of such Books, Papers, Writings, and Things; for the Space of Ten Days after the same shall be demanded by the said Commissioners, or by some Person by them appointed so to do, it shall be lawful for the said Commissioners to commence and prosecute any Action or Actions, Suit or Suits, in any of His Majesty's Courts of Record at *Westminster*, against such Executors, Administrators, Assignees, or other Person or Persons possessing the Estate and Effects which did belong to such deceased Person or Bankrupt for the Recovery of full Damages in lieu of such Books, Papers, Writings, and Things, together with the Costs of every such Action or Suit.

Officer dying,  
&c. another to  
be appointed  
till a Meeting.

X. Provided always, and be it further enacted, That when and as often as any Person holding any Office or Place under or by virtue of this Act, shall die, resign his Office, or be incapable of performing his Duty, it shall be lawful for any Three or more of the said Commissioners, though not assembled at any Meeting pursuant to this Act, by Writing  
under

under their Hands, to appoint another Officer in his Place, and the Person so appointed shall have the same Power to act in the Execution of this Act, as the Person in whose Place he shall be appointed was vested with, until the said Commissioners shall, at a Meeting to be held in pursuance of this Act, appoint another Officer in the room of him so dying, resigning, or being incapable of performing his Duty as aforesaid; any Thing herein contained to the contrary notwithstanding.

XI. And be it further enacted, That the said Commissioners shall and may sue and be sued in the Name of their Clerk or Treasurer, and that no Action which may be brought or commenced by or against the said Commissioners, or any of them, by virtue or on Account of this Act, in the Name of their Clerk or Treasurer, shall abate or be discontinued by the Death or Removal of such Clerk or Treasurer, or by the Act of such Clerk or Treasurer without the Consent of the Commissioners at a publick Meeting to be held for that Purpose, but the Clerk or Treasurer to the said Commissioners for the Time being shall always be deemed Plaintiff or Defendant in such Action, as the Case may be, and may in all Cases sign Notices or Summonses for and on Behalf of the said Commissioners: Provided always, That every such Clerk or Treasurer, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, by or on Behalf of the said Commissioners in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to be raised by virtue of this Act, all such Costs and Charges as, by the Event of any such Proceedings, he shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein; and in every such Action or Suit, as well as in every Information or Complaint before any Justice or Justices, as also upon all Appeals, any Inhabitants of the Parish of *Trowbridge* aforesaid, shall be, and are hereby declared to be competent Witnesses, notwithstanding they may be charged to, and pay any of the Rates, Assessments, or Duties, imposed by virtue of this Act, or any other Rates or Duties within the said Town.

Commissioners may sue and be sued in the Name of their Clerk or Treasurer.

XII. And be it further enacted, That the Property of and in all the present and future Pavements of the Footways in all the Streets, Lanes, and other publick Passages and Places within the said Town, and also in such other Streets, Lanes, or other publick Passages and Places as now are or shall hereafter be built upon or made within the Parish of *Trowbridge* aforesaid, not exceeding Three Quarters of a Mile from the Centre of the Front Door of the said *George Inn*, and of and in all Lamps, Lamp Irons, or Lamp Posts therein, and of and in all Materials, Implements, and other Things which shall be purchased, provided, or made use of for the Purposes of this Act, and all the Soil, Dung, Manure, or Dirt, which shall arise or be made in any of the said Streets, Lanes, Passages, and Places, and of all Ashes, Cinders, Dirt, and Rubbish, to be taken and carried away from the Houses in the said Streets, Lanes, Passages, and Places, shall belong to and be the Property of, and the same are hereby vested in the said Commissioners; and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions, or to prefer, or cause, direct, or order to be preferred any Bills of Indictment, as the Case shall require, against any Person or Persons who shall take, carry away, or detain the same, or any Part thereof, or disturb them in the Possession thereof; and the said Commissioners shall, and have hereby full Power and Authority from Time to Time to sell and dispose

Property of Pavements vested in Commissioners.

dispose of, for the Purposes of this Act, all or any Part of the said Pavements or Materials, and such Dung, Soil, Manure, Dirt, Ashes, Cinders, Rubbish, or other Things as aforesaid.

Commissioners may order Streets to be paved, lighted, &c.

XIII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, from Time to Time and at all Times, when and so often as they shall think proper, to cause, order, and direct, all or any of the present or future Foot Pavements or Pitching in the several Streets, Lanes, Passages, and Places, already erected or made, or hereafter so to be, in the said Town of *Trowbridge*, and within the Distance of Three Quarters of a Mile, measured from the *George Inn* as aforesaid, to be taken up, and the several Footways in the said Streets, Lanes, Passages, and Places, to be paved, pitched, repaired, raised, lowered, relaid, widened, or altered, in such Manner as the said Commissioners, or any Seven or more of them, shall think proper; and also to cause, order, and direct the said several Streets, Lanes, Passages, and Places, to be lighted and cleansed, and all Annoyances and Obstructions, Nuisances and Encroachments therein to be removed, and the present and future Drains, Sinks, Gutters, or Watercourses, for conveying the Water out of and from the several Streets, Lanes, Passages, and Places, to be amended, repaired, cleansed, scoured, or widened, and new ones to be made, in such Manner as the said Commissioners, or any Seven or more of them, shall think proper, and may cause the same to be made through any adjoining Lands or Grounds, (if Occasion shall require), making such Satisfaction for the Damage done thereby as they shall think proper; and in case of any Difference between the said Commissioners, or any Seven or more of them, and the Parties interested in the Premises, respecting the Amount of such Satisfaction, the same shall be settled in the same Manner as is herein-after provided with respect to Satisfaction for getting Materials from private Grounds; and that it shall be lawful for the said Commissioners, or any Seven or more of them, to cause such Number of Wells, Pumps, and Reservoirs for Water, to be made in any of the said Streets, Lanes, Passages, and Places, as they shall think proper, for the better Supply of Water, so as no Injury be done to any House or other Buildings by sinking such Wells, or making such Pumps or Reservoirs: Provided always, That before any Order of the said Commissioners, or any Seven or more of them, shall be made for altering the present Foot Pavements or Pitching, from the Manner they are now paved or pitched, or for lighting and cleansing the same, Six Weeks Notice in Writing shall be given by the Clerk or Clerks to the said Commissioners, calling a General Meeting of the said Commissioners; by affixing such Notice on the principal Doors of the Parish Church of *Trowbridge* aforesaid.

Power to get Materials.

XIV. And be it further enacted, That the said Commissioners, or their Surveyor, or such other Person or Persons as they or as such Surveyor from Time to Time shall employ and appoint, may, and is and are hereby authorized and empowered to dig, quarry, gather, take, and carry away any Stones, Gravel, Sand, or other Materials, from any Common or Waste Ground near the Town of *Trowbridge* aforesaid, for the Purposes of this Act, without paying any Thing for the same, and also to search and dig for, cut, gather, take, collect, quarry, and carry away any Stone, Gravel, Sand, or other Materials as aforesaid, out of, from, or over the Lands or Grounds of any Person or Persons whomsoever



soever near the said Town, (not being Ground built on, or a Yard, Garden, Orchard, Nursery for Trees, or Land improved as Pleasure Ground), where the same are or may be likely to be found, such Surveyor, or other Person or Persons, filling up, or railing or fencing off the Pits, and levelling the Ground, so that the same may not remain in a dangerous State, and paying or tendering to the Owners and Occupiers of such private Land, for the Damage which shall be done thereto, such Equivalent in Money as the said Commissioners shall adjudge reasonable; and in case of any Difference or Disagreement between the said Commissioners, Surveyor or Surveyors, or other Person or Persons appointed and employed as aforesaid, and the said Owners or Occupiers, any One or more Justice or Justices of the Peace for the said County of *Wilts* shall, in a summary Way, hear, settle, and determine the Matter of such Payments and Damages, and the Judgement or Order of the said Justice or Justices therein shall be final and conclusive to all Parties.

XV. And be it further enacted, That if any Person or Persons shall at any Time obstruct, hinder, or molest any Surveyor or other Officer, Workman, or other Person whatsoever, employed by virtue of this Act, in the Performance or Execution of his Duty; every Person so offending shall, for every such Offence, forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Penalty for obstructing the Surveyor or Workmen.

XVI. And be it further enacted, That no Person or Persons shall, at any Time after the passing of this Act, make or cause to be made any Alteration in the Form of the Pavement or Pitching of any Footway in any Street, Lane, publick Passage or Place within the said Town, or the Distance therefrom as aforesaid, without the Consent and Approbation of the said Commissioners, under their Hands first had and obtained at a Meeting, upon Pain of forfeiting, for every such Offence, any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Form of the Pavement not to be altered without Consent.

XVII. 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, at any of their said Meetings, to contract and agree with any Person or Persons for the paving, relaying, raising, lowering, amending, altering, or keeping in Repair any of the said Footways, or for cleansing or lighting any of the said Streets, Lanes, Passages, and Places, or for doing any other Work to be done by virtue of this Act; which Contract or Contracts so entered into shall be reduced into Writing, and signed by the said Commissioners, and by the Person or Persons contracting with them, and shall specify the Works and Business to be done, and the Prices to be paid for the same, and the Time or Times when such Works and Business shall be performed, completed, or done, and the Penalties to be suffered in case of Nonperformance thereof; but previous to the making of any such Contract, Fourteen Days Notice at the least shall be given in some One or more of the publick Newspapers circulated in or near the said Town, expressing the Intention of such Contract, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said Commissioners at a certain Time and Place in such Notice to be mentioned.

Commissioners may make Contracts for paving, &c.

[Loc. & Per.]

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XVIII. And

Surveyor to  
inspect the  
Works.

Contractor  
may be sued.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby directed to cause all and every the Works and Business to be done in pursuance of such Contract or 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 finished, completed, or done, at or within such Time or Times, or from Time to Time as the same are or is specified or agreed to be by the said Contract or Contracts, the said Commissioners shall and may bring or cause to be brought any Action or Actions in any of His Majesty's Courts of Law at *Westminster*, against any Person or Persons so contracting, and breaking or neglecting to perform such Contract or Contracts, for any Penalty or Penalties, Damage or Damages, which shall be contained in such Contract or Contracts, or suffered or sustained on account of the Non-performance or Breach thereof, and upon proving the signing of the said Contract or Contracts, and Non-performance or Breach thereof, the Plaintiff or Plaintiffs in such Action or Actions shall be entitled unto, and shall recover such Penalty or Penalties, Damage or Damages, with Costs of Suit; and such Penalty or Penalties, Damage or Damages, when recovered, shall be applied to the Purposes of this Act.

Lamp Irons to  
be fixed.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners to order and cause Lamp Irons to be put or affixed into, upon, or against the Walls, Sides, or Pallisadoes of any of the Houses, Tenements, or Buildings, within the said Town of *Trowbridge*, and also in such other Streets, Lanes, or other publick Passages and Places, as now are or shall be hereafter built upon or made within the Parish of *Trowbridge* aforesaid, not exceeding Three Quarters of a Mile from the *George Inn* as aforesaid, or in such other Manner and Place as they shall think proper and convenient; and if any Person or Persons shall wilfully take away, break, throw down, or damage any Lamp that shall be set up by virtue of this Act, or any Post, Iron, or Furniture thereof, or extinguish the Light or Lights within any such Lamp, or shall damage any of the Pavements or other Works hereby intended to be performed, it shall be lawful for any Person or Persons whomsoever, who shall see such Offence or Offences committed, to apprehend, and also for any other Person or Persons to assist in apprehending, the Offender or Offenders by virtue of this Act, and without any Warrant to convey and 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 for the said County of *Wilts*, or in case such Offender or Offenders shall not be so apprehended, then it shall be lawful for any such Justice, upon Information to him exhibited touching any such Offence or Offences, to issue his Warrant for the Apprehension of such Offender or Offenders, and when any such Offender or Offenders shall, by either of the Means aforesaid, be brought before such Justice, he shall hear and determine the Matter of Offence, and in order thereto shall examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching the same; and if the Party or Parties accused shall be convicted of any such Offence or Offences, either by his, her, or their own Confession, or upon such Evidence as aforesaid, he, she, or they so convicted, shall forfeit and pay any Sum not exceeding Forty Shillings nor less than Ten Shillings for each Lamp, Lamp Post, Iron, or other Furniture so taken away, broken, thrown down,

or damaged, and for every Light so extinguished as aforesaid, or Pavement or other Works destroyed or damaged, One Moiety of which Penalty shall go to the Informer, and shall also make full Satisfaction to the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, for the Damage so by him, her, or them done as aforesaid; and in case such Offender or Offenders shall not on Conviction pay such Forfeiture, and make such Satisfaction as aforesaid, such Justice is hereby required to commit him, her, or them, to the Common Gaol or House of Correction for the said County, there to be kept to hard Labour for any Time not exceeding Three Calendar Months nor less than Ten Days, and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be so committed, unless such Forfeiture and Satisfaction shall be sooner paid and given; and if any Person or Persons shall carelessly or accidentally break, throw down, or damage any of the said Lamps, or any of the Posts, Irons, or other Furniture thereof, or the said Pavements or other Works, and shall not immediately, upon Demand, make Satisfaction to the said Commissioners, or to their Surveyor, for the Damages done thereto, then and in any such Case it shall be lawful for any One Justice of the Peace for the said County, upon Complaint to him made by any Three or more of the said Commissioners, (not assembled at a Meeting), or their Surveyor, to summon the Party or Parties complained of, and upon hearing the Parties on both Sides, or Non-appearance of the Party or Parties so complained of, to examine the Matter of such Complaint, and award or order such Sum or Sums of Money by Way of Satisfaction to the said Commissioners for such Damages, together with the Costs and Charges attending such Complaint, as such Justice shall think reasonable; and in case of Neglect or Refusal to pay such Damages, Costs, and Charges, upon Notice of such Award or Order, then to cause the same to be levied in Manner herein-after mentioned for the Recovery of Penalties and Forfeitures.

XX. And be it further enacted, That the Scavengers, or Person or Persons employed in or contracting for cleansing the said Streets, Lanes, Passages, and Places, shall, Twice in every Week, or oftener as the said Commissioners shall direct, and on such Days as they shall appoint, bring or cause to be brought some proper Carriage into the said Streets, Lanes, Passages, and Places, for the Purpose of carrying away and removing the Dirt, Dust, Ashes, and Filth, from the several Houses in the said Streets, Lanes, Passages, and Places, and shall also sweep, cleanse, and carry away the Dirt and Soil arising in the said several Streets, Lanes, Passages, and Places, to such Place within or near the said Town as shall be by the said Commissioners appointed, and be deemed proper for the Reception and depositing of the same, upon Pain of forfeiting any Sum not exceeding Forty Shillings nor less than Ten Shillings, for every Offence or Neglect of Duty therein.

XXI. And be it further enacted, That, from and after the passing of this Act, all Persons occupying Houses, Tenements, Outhouses, Stables, Buildings, Gardens, or Walls, in or against any of the Streets, Lanes, Passages, and Places within the said Town, or not exceeding Three Quarters of a Mile therefrom, measuring such Distance as aforesaid, shall cause to be swept and cleansed the Footways, Paths, and Pavements, the whole Length of the Front of their respective Houses, Tenements, Outhouses,

Scavengers  
Duty.

Inhabitants to  
sweep Pavements  
opposite  
their own  
Houses.

houses, Stables, Gardens, or Walls, to the Extent of the Pavement before the same, between the Hours of Seven and Nine of the Clock in the Forenoon; Twice or oftener, as the said Commissioners shall require, in every Week, and also cause the Dirt and Soil arising from such sweeping and cleansing to be collected and put together, (without obstructing the Way or Road), that the same may be removed and carried away by the Scavenger or Person employed in cleansing the said Streets, Lanes, Passages, and Places, or otherwise to be carried away by such Persons respectively as the said Commissioners shall from Time to Time direct, upon Pain of forfeiting and paying any Sum of Money not exceeding Two Shillings and Sixpence for every Neglect therein.

No Person to carry away Soil except the Scavenger.

XXII. And be it further enacted, That no Person shall take or carry away any Ashes, Dust, Dirt, Muck, Soil, or Manure, out of or from any of the Streets, Lanes, Passages, or Places, within the said Town, or the Distance therefrom as aforesaid, unless by the Direction of the Commissioners as aforesaid, other than the Scavenger, or Person or Persons employed for such Purpose by the said Commissioners, upon Pain of forfeiting any Sum not exceeding Forty Shillings, nor less than Ten Shillings for every such Offence.

Persons to be at Liberty to dispose of their own Ashes, &c.

XXIII. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent any of the Inhabitants of the said Town, or the Limits aforesaid, from reserving and keeping any Ashes, Dust, Dirt, Soil, Rubbish, Muck, or Manure, within their Yards, Gardens, and Premises, or otherwise disposing of the same for their own Use and Benefit, so as such Ashes, Dust, Dirt, Soil, Rubbish, Muck, or Manure, be not laid down or placed in any of the said Streets, Lanes, Passages, and Places, for any longer Time than shall be necessary for the loading and carrying away the same, or suffered to annoy any of the said Inhabitants; but in case any Person so reserving and keeping any such Ashes, Dust, Dirt, Soil, Rubbish, Muck, or Manure, shall permit the same to remain and continue in any of the said Streets, Lanes, Passages, and Places, so as to annoy the Inhabitants, and shall not remove the same after Notice in Writing given to him or her, under the Hands of any Three of the said Commissioners, although not assembled at a Meeting, or under the Hand of their Clerk or any other Officer, or left at the Place of Abode of such Person, to remove the same, such Person shall forfeit and pay any Sum not exceeding Twenty Shillings, nor less than Five Shillings, for every Day such Annoyance shall be permitted to remain after such Notice given or left as aforesaid.

Penalty not to extend to Rubbish occasioned whilst erecting or repairing any Building.

XXIV. Provided always, and be it further enacted; That no Person shall be subject to any Penalty by virtue of this Act, on account of any Rubbish or Mortar lying in the said Streets, Lanes, Passages, and Places, before the House or Tenement of such Person, occasioned by the building, pulling down, or repairing any such House or Tenement, in case there be left convenient Room for Carriages to pass and repass, and a sufficient Way kept clear for Foot Passengers, by the Person or Persons laying or occasioning the same; and in case the Owner or Occupier of such House or Tenement before which such Rubbish or Mortar shall lie, shall cause the same to be removed out of such Street, Lane, Passage, or Place, at his or her own proper Costs and Charges, within a reasonable Time after the building, pulling down, or repairing, such House or Te-  
nament

nement shall be completed, or upon Notice to be given him or her, or left at such House or Tenement for that Purpose, in Writing, signed by the said Commissioners, or any Threé of them, although not assembled at a Meeting, or signed by their Clerk or any other Officer, and in case such Owner or Occupier shall, (while such Rubbish or Dirt shall be lying in such Street, Lane, Passage, or Place), set up and maintain sufficient Light during the Night Time to prevent any Mischief happening to Passengers or Cattle:

XXV. And be it further enacted, That if any Person or Persons shall run, drive, carry, or place, on any of the Footways in any of the said Streets, Lanes, Passages, or Places, any Wheel, Sledge, Wheelbarrow, Handbarrow, Waggon, Cart, Truck, or other Carriage, or shall roll any Cask, or shall drag any Timber or Log of Wood, or shall wilfully ride, drive, or lead any Horse, or other Beast or Cattle, on any of the said Footways, or shall permit or suffer to run loose and wander about any of the Streets, Lanes, Passages, or Places, any Horse, Swine, or other Beast or Cattle, or shall kill, slaughter, singe, scald, dress, or cut up, any Beast, Swine, Calf, Sheep, Lamb, or other Cattle, or hoop, cleanse, or scald, any Cask, or hew, saw, cut, or cleave any Stone, Timber, or Wood, or make, bind, or repair any Wheel or Carriage, or shoe, bleed, or farry any Horse or other Beast, in any of the said Streets, Lanes, Passages, or Places, or shall slack, mix, or wet, any Lime or Mortar, or shall place or leave any Cart, Waggon, or other Carriage, or any Horses or other Beast or Cattle, or shall lay, place, or leave, any Timber, Bricks, Tiles, Stones, Hay, Straw, Dung, Goods, or other Things, or shall lay and permit to remain any Ashes, Rubbish, Dirt, Dust, Earth, or other Nuisance or Annoyance, in any of the said Streets, Lanes, Passages, or Places, or shall set, place, or expose to sale, any Goods, Wares, or Merchandizes, in or upon the Footways of the said Streets, Lanes, Passages, or Places, (except on Fair or Market Days, and then leaving sufficient Footway for Passengers), every Person offending in either of the said Cases shall forfeit and pay any Sum not exceeding Twenty Shillings nor less than Two Shillings and Sixpence, over and above such Penalties as are inflicted on any of the said Offences by any Law or Statute now in force.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, from Time to Time to take down and remove, or cause to be taken down and removed, any Porch, Bulk, or Penthouse, already erected or built against the Front or Side of any House or Building within any of the said Streets, Lanes, Passages, or Places, within the said Town of *Trowbridge*, and the Distance therefrom as aforesaid; and if any Person or Persons shall, after the passing of this Act, presume to erect or build, or cause to be erected or built, any Porch, Bulk, or Penthouse, against the Front or Side of any House or other Building, within any of the said Streets, Lanes, Passages, or Places, in the said Town, or within the Distance aforesaid, or any Bow or projecting Window against any Room or other Place on the Ground Floor of any such House or other Building within One Foot of the Pavement, every such Person shall forfeit and pay, for every such Offence, any Sum not exceeding Ten Pounds nor less than Forty Shillings; and it shall be lawful for the said Commissioners, or any Seven or more of them, from Time to Time to cause all such Porches, Bulks,

[Loc. & Per.]

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Penthouses,

Penalty on  
causing An-  
noyances in  
the Streets.

Commission-  
ers may re-  
move Porches,  
Bulks, &c.

Penalties on  
Persons build-  
ing Porches,  
&c. against the  
Sides of  
Houses.

Penthouses, and Bow Windows, to be taken down and removed at the Expence of the Owner or Proprietor thereof; and that it shall be lawful for the said Commissioners, or any Seven or more of them, to cause all such Posts within the said Streets, Lanes, Passages, or Places, as they shall think useless or inconvenient, to be taken up and removed, and all Steps, Posts, Shew Glasses, and Shew Boards, encroaching upon the Footways, and all Steps and Doors opening in or leading from any of the said Footways into Vaults or Cellars, to be removed or altered; and shall and may cause all Signs, or other Emblems used to denote the Trade, Occupation, or Calling, of any Person or Persons, and all Sign Posts, Sign Irons, Shew Boards, Spouts, and Gutters, projecting into any of the said Streets, Lanes, Passages, or Places, and all other Encroachments, Projections, and Annoyances whatsoever, within the said Town, or within the Distance aforesaid, to be taken down and removed; and shall cause all Signs or other Emblems as aforesaid, Shew Boards, Spouts, or Gutters, to be fixed or placed on the Fronts of the Houses, Shops, Warehouses; or Buildings, whereunto they respectively belong or were before affixed, and not otherwise, and shall return or cause to be returned to the respective Owners thereof, so much of such Signs or other Emblems, Sign Posts, or other Posts, Sign Irons, Shew Boards, Spouts, and Gutters, as shall not be fixed, put up, or otherwise made use of in the Alterations directed by this Act; and that for the future all Signs, Sign Boards, Spouts, and Gutters, shall be placed or fixed on the Fronts of the Houses, Shops, Warehouses, or Buildings, to which they respectively belong, and not otherwise; and if any Person or Persons shall, at any Time after the passing of this Act, hang, place, erect, or build any Sign, Sign Post, or other Post, Sign Iron, Shew Board, Spout, Gutter, or other Projection, Obstruction, or Annoyance, or cause the same to be done, contrary to the Directions of this Act, he shall forfeit and pay, for every such Offence, any Sum not exceeding Ten Pounds, nor less than Forty Shillings.

Signs, &c. to be placed on the Fronts of Houses.

Nuisances to be removed.

XXVII. And be it further enacted, That if any Hogstye, Necessary House, or any other noisome Building, Dung Mixen, or any other Matter whatever in or near any of the said Streets, Lanes, Passages, or Places, shall be offensive to any of the Inhabitants of the said Town, or any other Person or Persons, the same shall be deemed a Nuisance and an Offence against this Act; and it shall be lawful for the said Commissioners, upon Complaint thereof to them made, by Notice in Writing under their Hands, or under the Hand of their Clerk, to order any such Nuisance or Offence to be removed; and in case the same shall not be removed within Seven Days after such Notice given to the Person or Persons who ought to remove the same, such Person or Persons shall forfeit and pay any Sum not exceeding Five Shillings daily, for every Day that the same shall continue unremoved after the Expiration of the said Notice.

All Buildings in future to be covered with Lead, Slate, or Tile.

XXVIII. And, for preventing future Dangers by Fire, and for the greater Safety and Security of the Inhabitants of the said Town, and within the Limits aforesaid; be it further enacted, That all Houses, Out-houses, and other Buildings, that shall after the passing of this Act, be built or erected, or rebuilt, within the said Town of *Trowbridge* as aforesaid, or the Distance therefrom as aforesaid, shall be covered with Lead, Slate, or Tile, and not otherwise; and if any Person or Persons shall, at any Time or Times after passing this Act, cover any House, Outhouse, Building, or any Part thereof, in the Town of *Trowbridge* aforesaid, or the

the Distance therefrom as aforesaid, with any other Covering than Lead, Slate, or Tile, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds, and any further Sum not exceeding Ten Shillings daily for every Day such Offence shall continue; and the Master and Workmen employed to cover the same, shall forfeit and pay any Sum not exceeding Five Pounds; nor less than Forty Shillings; and it shall and may be lawful for the said Commissioners to order the same to be taken down and removed, in such Manner as to them shall seem meet; and the Person or Persons so ordered by the said Commissioners shall and may take down and remove the same accordingly, without any Notice or Warning to be given to the Owner or Occupier of such House, Outhouse, or other Building, to take down the same; and One Moiety of the said respective Penalty shall be paid to the Informers, and the other Moiety to the Poor of the Parish of *Trowbridge* aforesaid.

XXIX. And be it further enacted, That in case any Person or Persons shall at any Time or Times hereafter break or damage any Part of the Foot Pavement in any of the said Streets, Lanes, Passages, or Places, or take up, or cause the same to be taken up, or any Part thereof, for the Purpose of making, laying, altering, or amending any Water Pipe, Drain, or Gutter, or for any other Purpose, it shall be lawful for the said Commissioners, or any Three of them, although not assembled at a Meeting, to order and cause the same, with all convenient Speed thereafter, to be laid down and repaired; and all Costs, Charges, and Expences attending or incident to the repairing, relaying, or making good the same, shall and may be recovered, by the Treasurer to the said Commissioners, of the Person or Persons who shall so break, damage, or take up the said Pavement, or any Part thereof, in the same Manner as Penalties and Forfeitures are herein-after directed to be recovered.

Charges of repairing the Pavement broken or damaged, how to be recovered.

XXX. And, in order to the widening of such of the said Streets, Lanes, and Passages, as by the said Commissioners are or may be judged or found to be too narrow for the safe and commodious Passage of Travellers and Carriages, be it further enacted, That it shall be lawful for the said Commissioners, if they think fit, to contract and agree with the several Owners of and Persons interested in any Houses or other Buildings, and Lands, which the said Commissioners may think necessary or proper for the Purposes aforesaid, for the absolute Purchase thereof, (but no such Owners or Persons interested shall be compelled to sell any such Premises against their Will); and it shall be lawful for all Bodies Politick or Corporate, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees, or other Trustees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, or Idiots, and for all Femes Covert, and other Persons who are or shall be seized, possessed of, or interested in any Houses, Buildings, or Lands, to contract with and sell to the said Commissioners, and to convey to such Person or Persons, and his or their Heirs, as the said Commissioners shall direct and appoint, in Trust, to be made use of for the Purposes of this Act, the several Houses and other Buildings, and Lands, or any Part thereof; and the Fee Simple and Inheritance thereof, and all their respective Estates and Interests therein; and every such Contract, Agreement, Sale, and Conveyance shall, without any Fine or Common Recovery, be good, valid, and effectual, to all Intents and Purposes, any Law,

Power to purchase Buildings for the Purpose of widening Streets.

Law, Usage, or other Matter or Thing to the contrary notwithstanding; and all such Bodies Politick and Corporate, Feoffees, and other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

For disposing  
of Purchase  
Monies.

XXXI. And be it further enacted, That if any Money or Recompence shall be paid for any Messuages, Buildings, Lands, or Hereditaments, which shall be purchased, taken, or used for the Purposes of this Act, to any Corporation, Feme Covert, Infant, Lunatick, or Person under any other Disability or Incapacity as aforesaid, such Money shall, in case the same be not less than the Sum of One hundred Pounds, with all convenient Speed be invested in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled upon and subject to the like Uses, Trusts, and Limitations, as the said Messuages, Lands, Tenements, or Hereditaments belonging to such Corporation or other Person as aforesaid, so to be purchased, taken, or used for the Purposes of this Act, were settled, limited, or assured; and in the mean Time, and until such Purchase can be made, such Money shall be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth of King *George* the Second, Chapter the Twenty-fourth, and shall, when so paid in, be laid out in the Purchase of Navy or Victualling Bills, or Exchequer Bills, and the Interest arising from the Money laid out in such Bills, and the Money received for the same, as they shall be respectively paid off by Government, shall be laid out, in the Name of the said Accountant General, in the Purchase of other Navy or Victualling Bills, or Exchequer Bills; all which said Navy and Victualling Bills, and Exchequer Bills, shall be deposited in the Bank in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases shall be found and approved of by the said Commissioners, or any Five or more of them, and until the same shall, upon a Petition setting forth such Approbation, (to be preferred to the Court of Chancery in a summary Way, by the Person or Persons who would be entitled to the Rents and Profits of any of the Lands, Tenements, or Hereditaments to be purchased therewith, if the same were purchased and settled), be ordered to be sold by the said Accountant General, for the completing such Purchase, in such Manner as the said Court shall think just and direct; and it shall and may be lawful for the said Court to make such Order or Orders, in a summary Way, touching the Payment or Application of the Monies so to be paid into the Bank, and touching such Navy, Victualling, or Exchequer Bills, and the Interest thereof, in pursuance of the Directions of this Act, as the said Court shall think fit; but in case any such Money shall be less than the Sum of One hundred Pounds, and not less than the Sum of Twenty Pounds, then such Money shall be paid to such Person or Persons as the Party or Parties entitled thereto shall respectively nominate to receive the same, in Trust with all convenient Speed to be reinvested in the Purchase of other Lands, or Hereditaments, which shall be conveyed and settled to, upon, and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, Hereditaments, and



and Premises, which shall be purchased from them respectively by the said Commissioners, were respectively settled, limited, or assured to, upon, or subject to, at the Time of purchasing the same, or such of them as at the Time of making such Conveyances and Settlements shall be existing and capable of taking Effect; and in the mean Time, and until such Purchase or Purchases shall be made, the said Money shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, in some of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Persons, to be nominated by the Party or Parties interested therein, and to be approved of by the said Commissioners, or any Five or more of them; and the Dividends or Interest arising or to be produced from such Funds or Securities, shall be paid to such Person or Persons respectively as would for the Time being be entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments, so to be purchased, conveyed, and settled, by virtue of this Act.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioners to cause all and every the Houses and other Buildings which shall at any Time be purchased for the Purposes of this Act, to be taken down, and to cause so much of the Scites thereof, and of any other Land to be purchased for the Purposes of this Act, to be added to, or laid into the Streets or other publick Passages or Places in the said Town; and to cause the same to be made passable; and the Land so added to or laid into the respective Streets, or other publick Passages or Places as aforesaid, shall for ever afterwards be deemed Part thereof, and the same shall be used as common Publick Ways.

Power to take down the purchased Houses, and lay the Scites into the publick Street.

XXXIII. And be it further enacted, That towards defraying the Expences of executing the several Purposes of this Act, and of obtaining and passing the same, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to cause to be demanded, collected, and received, on every *Sunday* for the future; by such Person or Persons as they shall appoint for that Purpose, at the several Turnpikes or Toll Gates within the said Town of *Trowbridge*, or within the Distance of One Mile from the *George Inn* as aforesaid, as the same now are or shall be hereafter erected by virtue of any other Act, or by virtue of this Act, before any Horses, Cattle, or Carriages, shall be permitted to pass through the same, the several Tolls following; (that is to say),

Tolls to be taken on *Sundays*.

For every Horse or other Beast, drawing any Waggon, Wain, Cart, Sledge, Dray, or other such Carriage, the Sum of Four-pence Halfpenny:

For every Horse or other Beast, drawing any Coach, Chariot, Landau, Berlin, Hearse, Curricule, Chair, or other such Carriage, the Sum of Three-pence:

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, not drawing, the Sum of One Penny:

For every Drove of Neat Cattle, the Sum of Ten-pence *per* Score; and so in Proportion for any greater or less Number: And,

For every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Five-pence *per* Score; and so in Proportion for any greater or less Number:

Which said additional Tolls shall be demanded and taken on every *Sunday* (to be computed from Twelve of the Clock on *Saturday* Night to Twelve of the Clock on *Sunday* Night), for and in the Name of *A Sunday Street*

[*Loc. & Per.*]

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Toll,

*Toll*, in Addition to all and every the Tolls authorized to be collected under and by virtue of any other Act or Acts of Parliament at the said Turnpikes or Toll Gates respectively; and the said *Sunday* Tolls hereby granted shall be and are hereby vested in the said Commissioners hereby appointed, and their Successors, to be applied for the Purposes above mentioned; and if any Person or Persons subject or liable to pay any of the said Tolls, shall, after Demand thereof made, neglect or refuse to pay the same, it shall be lawful for the Person or Persons appointed to receive such Tolls, by himself or themselves, or taking such Assistance as he or they shall think necessary, (and which Assistance all Persons are hereby required to give if called upon), to seize and distrain any Horse or Horses, or other Cattle, upon which the Toll is by this Act imposed, together with their Bridles, Saddles, Gears, Harness, and Accoutrements, or a sufficient Part thereof, and all such Horses, Cattle, or Things, may be detained until such Toll, with the reasonable Charges of such Distress, shall be paid; and it shall be lawful for the Person or Persons so distraining, after the Space of Four Days after such Distress made or taken, to sell the Horse or Horses, Cattle, or other Things so distrained, rendering to the Owner or Owners thereof the Overplus, upon Demand, after Satisfaction of the said Toll, and the reasonable Charges in and about the making such Distress, Keeping, and Sale, shall be fully paid and satisfied; and if any Dispute shall happen about the Quantity of the Tolls due, or the Charges of keeping or selling any Distress, the same shall be ascertained by some Justice of the Peace for the said County of *Wilts*, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath of the Parties, or other Witness or Witnesses, and determine the Quantity of the Toll due, and also assess the Charges of such Seizure, Distress, Keeping, and Sale, and also of the Collector's Attendance for that Purpose upon the said Justice; all which Sums so determined or assessed, shall be paid to the said Collector so distraining, before he shall be obliged to return the Distress, or the Overplus, after the Sale thereof, or of any Part thereof.

In case of Dispute concerning Tolls and Charges, the Matter to be settled by a Justice.

Penalty on evading the Tolls.

XXXIV. And be it further enacted, That if any Person or Persons shall, with any Horse, Cattle, or Beast, pass through any Land, Ground, Place, or Hereditaments, lying near any of the Gates or Turnpikes whereat Toll shall be payable by virtue of this Act, (the same not being a publick Highway), with Intent to avoid the Payment of the said Tolls, or any Part or Parts thereof; or if any Owner or Occupier of any such Land, Ground, Place, or Hereditaments, shall knowingly permit or suffer any Person or Persons, with any Horse, Cattle, or Beast whatsoever, to pass through the same with such Intent as aforesaid; or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Ticket by this Act directed to be given, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall forcibly or wilfully pass through any such Gate or Turnpike with any Horse, or other Cattle or Beast, or shall do any other Act whereby or with Intent to avoid the Payment of any of the said Tolls, or of any Part thereof, every Person so offending in any of the Cases aforesaid, shall, for every such Offence, forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings, whereof One Moiety shall be paid to the Informer or Informers, and the other Moiety shall be applied in such Manner as Forfeitures and Penalties are herein-after directed to be applied.

XXXV. And

XXXV. And be it further enacted, That it shall be lawful for the several and respective Receivers and Collectors, and other Persons to be appointed by virtue of this Act, to receive and collect the several Tolls hereby made payable, and they are hereby authorized and empowered, without the Let, Hindrance, or Molestation, of any Person or Persons whomsoever, to make use of all or any of the Turnpikes or Toll-Gates now erected, or any other Turnpikes to be erected across any of the Roads leading into the said Town of *Trowbridge*, and standing within the Distance of One Mile of the said Town, to be measured as aforesaid, and also the Toll Houses belonging to such Turnpikes respectively, so as such respective Receivers, Collectors, or other Persons, do not in any Way hinder or interrupt the transacting of any Business or Purpose for which such Turnpikes and Toll Houses were respectively erected or provided; or the said Commissioners may cause the said several Tolls directed to be paid by this Act, to be taken and received by the several Receivers or Collectors appointed or to be appointed for the collecting and receiving such other Tolls, as are or may be payable in respect of the said Roads, the Commissioners appointed and to be appointed under this Act paying and allowing unto such Receivers or Collectors such reasonable Wages or Salaries as they shall think fit, for receiving the said Tolls directed to be taken and received by this Act as aforesaid; or it shall be lawful for the said Commissioners to cause to be erected any Turnpike or Turnpikes, Bar or Bars, within any Street, Highway, or Lane, within the said Town, or at such other Place within the said Distance of One Mile from the said Town as aforesaid, as they the said Commissioners shall think proper, for the Purpose of collecting and receiving the said Tolls; and they may also provide, or cause to be erected a Toll House or Toll Houses, at any convenient Place or Places, and from Time to Time remove or alter the same Turnpikes or Toll Houses; and all Turnpikes, Bars, Gates, Rails, and Toll Houses erected or provided by virtue of this Act, shall be, and are hereby vested in the said Commissioners for the Purposes of this Act.

For using present Turnpikes, or erecting new ones.

XXXVI. Provided nevertheless, and it is hereby enacted and declared, That none of the Tolls hereby granted shall be demanded or taken for or in respect of the Horses or Carriages of any Rector, Vicar, or Curate, going to or returning from any Church, Chapel, or Place of Religious Worship, or for or in respect of the Horses or Carriages of any Person or Persons, being Inhabitants of the said Town of *Trowbridge*, or the Tythings of *Staverton*, *Studley*, and *Little Trowle*, within the said Parish of *Trowbridge*, going to or returning from Church, Chapel, or other Place of Religious Worship within the same Parish or Tythings, respectively, or attending the Funeral of any Person who shall die and be buried within the same Parish or Tythings, or either of them; or for or in respect of any Horses or Carriages, of whatsoever Description, employed or to be employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same; or any Horses belonging to Officers or Soldiers upon their March or upon Duty, or Carriages employed in carrying or conveying any sick, wounded, or disabled Officers or Soldiers; or any Horses or Carriages travelling with Vagrants sent by legal Passes, or returning, having been so employed; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person, for every

Exemptions.

every such Offence, shall forfeit any Sum not exceeding Forty Shillings nor less than Twenty Shillings.

Toll to be paid  
but Once a  
Day.

XXXVII. Provided always, and be it further enacted, That no Person who shall have paid any of the said Tolls hereby granted at any of the Turnpikes leading into the said Town of *Trowbridge*, as the same now are or shall be hereafter erected, shall be subject or liable to pay such Tolls again on the same Day, (to be computed as aforesaid), for afterwards passing and repassing any Time or Times, as often as he or she shall think proper, through the same Turnpike, or through the several other Turnpikes last above-mentioned, with the same Horse or Horses, Cattle, or Carriage, for which such Tolls shall have been so paid, such Person respectively producing a Note or Ticket denoting such Payment, which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis* on Receipt of the Toll.

Tolls may be  
lessened.

XXXVIII. And be it further enacted, That the said Commissioners, (with the Consent of the Mortgagee or Mortgagees, if any there be), shall and may, and they are hereby authorized and empowered, if they think fit, from Time to Time to vary, lessen, or reduce the Tolls hereby granted, and to raise the same again, or any Part thereof, so as not to exceed the Tolls hereby granted; and the Tolls so varied, lessened, or reduced, or raised again, shall be collected, levied, recovered, and applied in the same Manner as the Tolls granted by this Act are hereby directed to be collected, recovered, and applied.

Tolls may be  
let.

XXXIX. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, by Writing under their Hands, (upon Ten Days Notice in Writing, affixed on the principal Doors of the Parish Church of *Trowbridge* aforesaid), to let and demise, or agree to let and demise the Tolls arising by virtue of this Act, or any Part or Parts thereof, for any Term not exceeding Three Years at any One Time, either unto the Trustees acting under the present or any future *Trowbridge* Turnpike Act, or any Five or more of them, (who are hereby authorized to take and rent the same, if they shall so think fit), or to any other Person or Persons whomsoever, upon publick Bidding, and for the best Price that can be gotten for the same, payable at such Times, and to such Person or Persons, and under such Covenants and Conditions, and with such Sureties for the Payment thereof, as the said Commissioners shall think fit; and the Money arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

Surveyors of  
Highways to  
pay a certain  
Sum towards  
paving, etc.

XL. And be it further enacted, That the Surveyor or Surveyors of the Highways for the Time being of the Town of *Trowbridge* aforesaid, and of the Tything of *Studley*, within the Parish of *Trowbridge* aforesaid, shall, from and after the Twenty-fourth Day of *June* One thousand seven hundred and ninety-nine, and at all Times hereafter, yearly and every Year, on the Twenty-fourth Day of *June*, pay or cause to be paid, out of the Statute Duty and Composition to be by such Surveyor or Surveyors collected within the said Town of *Trowbridge* and Tything of *Studley*, to the Treasurer or Treasurers to the said Commissioners, Two Third Parts of the said Statute Duty and Composition Money so by him or them to be received and collected, as a Compensation to the said Commissioners, from the said Surveyor or Surveyors, on account of his

or their not being liable in future to repair the Footways within and out of the said Town of *Trowbridge*, as now are repaired by the said Surveyor or Surveyors of the said Town of *Trowbridge*, and the same shall be applied as the Tolls to be collected at the Gates are herein-before directed to be applied; and the said Commissioners shall and may, and they are hereby empowered, by themselves or by any Person or Persons by them authorized at any Meeting, to levy the said Two Third Parts of the said Statute Duty and Composition Money upon the Surveyor or Surveyors for the Time being of the said Town of *Trowbridge* and Tything of *Studley*, in case of his or their neglecting or refusing to pay the same, in the same Manner as Penalties and Forfeitures are herein-after directed to be recovered.

XLI. And be it further enacted, That towards the more speedy defraying the Costs, Charges, and Expences of executing the several Purposes of this Act, and of obtaining and passing the same, the said Commissioners shall, as soon as conveniently may be, and for ever after the passing thereof, yearly and every Year, and as often as there shall be Occasion, under their Hands nominate and appoint, and they are hereby authorized and empowered to nominate and appoint, Two Inhabitants or Residents within the said Town, to be Assessors of the Rates by this Act directed to be made; and the said Commissioners shall and may, and they are hereby empowered and required to fix and ascertain (Once in every Year, or oftener, as Occasion may require) how much in the Pound shall be raised by a Rate or Assessment for the Purposes of this Act, and as soon as may be afterwards to issue their Precepts under their Hands and Seals, to the Assessors for the Time being for raising, and who shall accordingly from Time to Time raise the Amount so settled by an equal Pound Rate or Assessment (according to the yearly annual Value) in and upon all Messuages, Tenements, or Dwelling Houses, now erected and built, or that shall or may hereafter be erected and built within the said Town, or within Three Quarters of a Mile therefrom, measuring such Distance as aforesaid, and which are usually rated to the Poor within the said Parish of *Trowbridge*; and every such Rate or Assessment shall be charged upon, and be paid and payable by the respective Occupiers of the said Messuages, Tenements, or Dwelling Houses, and as they are severally rated for the same for the Time being, and no such Rate or Assessment shall, in any One Year, exceed the Sum of One Shilling in the Pound of the yearly annual Value of the said Messuages, Tenements, or Dwelling Houses, respectively, to be rated and assessed, (except for the Purpose of defraying the Costs, Charges, and Expences of obtaining and passing this Act): Provided nevertheless, That no Person or Persons who occupy Tenements under the yearly Value of Four Pounds, and do not keep open Shop for the Sale of Goods, Wares, and Merchandize, shall be charged with or be liable to pay the aforesaid Pound Rate, or any Part thereof,

Power to raise Money by Rates,

XLII. And be it further enacted, That where any House shall be divided into separate Tenements, Stories, or Apartments, and shall be let to or rented, occupied or inhabited by Two or more Persons or Families, the same shall nevertheless be subject to the Rates and Duties granted by this Act, and the Landlord or First Lessee of every such House shall be deemed and taken to be the Occupier thereof, and shall be charged with and liable to pay the said Rates and Duties, if the said Commissioners shall think fit and proper,

Landlord or first Lessee to be rated for House in separate Apartments.

[*Loc. & Per.*]

10 P

XLIII. And

How Rates shall be paid where Tenants occupy only Part of a Year.

XLIII. And be it further enacted, That when any Person or Persons shall come into and occupy any House, Building, or other Premises aforesaid, within the said Town, or the Distance therefrom as aforesaid, out of or from which any other Person assessed towards Payment of any Rate or Assessment to be made by virtue of this Act, shall have removed, every Person so removing from, and every Person so coming into or occupying such Premises, shall be liable to pay such Rate or Assessment, in proportion to the Time each Person occupied the same respectively, and in case of Refusal to have the same recovered from him, her, or them, in Manner before directed for Recovery of Rates; which said Proportion, in case of Dispute, shall be settled and ascertained by the said Commissioners.

Rates to be allowed and signed by Commissioners.

XLIV. And be it further enacted, That every Rate and Assessment which shall be made in pursuance of this Act, shall, in order to authorize the Collection thereof, be allowed and signed by the said Commissioners, or any Three or more of them; but previous to the signing and allowing thereof they shall, and hereby have Power and Authority to call for, amend, and alter any such Rate or Assessment, either by inserting, or causing to be inserted, the Name or Names of any Person or Persons who ought to have been rated and assessed, and shall appear to have been omitted therein, (which Person or Persons, whose Name or Names shall be so inserted, the said Assessors shall and are hereby required thereupon to rate and assess, according to the true Intent and Meaning of this Act), or by taking out the Name or Names of any Person or Persons whose Name or Names shall have been inserted in any such Rate or Assessment, and who ought not to be rated therein; and in order to the Amendment and Allowance of all such Rates and Assessments, and the further Proceedings thereupon, the said Assessors for the Time being shall respectively appear and bring with them at the Day, Hour, and Place mentioned in their respective Precepts, Two Copies or Duplicates of every such Rate or Assessment as they shall respectively make, fairly written, and subscribed by them, and shall deliver the same unto the said Commissioners, and shall, upon reasonable Notice from Time to Time to be given by the Clerk to the said Commissioners, be attending upon them at any of their Meetings in pursuance of this Act, and at any Court or Courts of Quarter Sessions, or at any Adjournment thereof, or otherwise as Occasion shall require, then and there to explain, amend, or justify their respective Charges and Assessments; and after such Rate or Assessment shall be allowed and signed as aforesaid, the said Commissioners shall and may, and they are hereby authorized and required to cause the same to be collected and received, as soon as conveniently may be, of and from the Persons respectively rated, charged, and assessed, either Quarterly, or in such Way as to them shall seem meet.

Assessor to deliver Duplicates to Commissioners.

Assessors to attend to justify Rates, etc.

Commissioners to authorize Rates to be collected.

Collectors to be appointed.

XLV. And be it further enacted, That it shall be lawful for the said Commissioners yearly and every Year, (or oftener if there shall be Occasion), by Writing under their Hands, to nominate and appoint such Number of Persons, Inhabitants, or Residents, within the said Town, as they shall think fit to be Collector or Collectors of the respective Rates and Assessments by this Act directed to be made and raised as aforesaid; and the said Commissioners shall and may, and they are hereby required from Time to Time, as soon as may be after such Rates and Assessments are made, brought in, and allowed, to issue their Order under their Hands to the said Collectors for the Time being, and thereby to direct and

and require them jointly and severally to collect and receive, and the said Collectors are hereby required and commanded to collect and receive accordingly, within Fourteen Days from the Date of the said Order, or sooner if it can be done, the respective Sums of Money expressed or contained in such respective Assessments as aforesaid, Duplicates of which Assessments, under the Hands of the said Commissioners, shall be delivered, together with the said Order, to such Collectors respectively, and as well such Assessors as aforesaid, as also the said Collectors to whom any Order or Orders from the said Commissioners shall from Time to Time be directed in pursuance of this Act, shall, and they are hereby required to obey and execute the same in all Respects; and the said Commissioners shall and may from Time to Time, as they shall see Occasion, remove any Collector or Collectors, Assessor or Assessors, and appoint any other or others, being Inhabitants or Residents as aforesaid, in his or their Place or Stead,

Collectors to receive Rates.

XLVI. Provided always, and be it further enacted, That no House, Tenement, or Hereditament, within the said Town, or the Distance therefrom as aforesaid, and within such other Streets as may hereafter be built as aforesaid, shall be charged or chargeable with any such Rate or Assessment as aforesaid, during the Time the same shall be empty or unoccupied,

Buildings not subject to be assessed while unoccupied.

XLVII. And be it further enacted, That in case any Person or Persons so rated, charged, or assessed as aforesaid, shall refuse or neglect to pay any such Rate or Assessment, Rates or Assessments, to the Collector or Collectors, for the Space of Three Days after personal Demand thereof made, or after Demand in Writing left at the last or usual Place of Abode of such Person or Persons so rated, charged, or assessed, it shall be lawful for any One or more Justice or Justices of the Peace for the said County of *Wilts*, (upon Oath of such Demand or Notice, and Non-payment, to be taken before such Justice), by Warrant under his or their Hand and Seal or Hands and Seals, (which he or they are hereby empowered and required to grant), to authorize and direct the said Collector or Collectors respectively to levy such Rate or Assessment, as soon as conveniently may be after such Refusal and Neglect to pay the same, together with all Costs and Charges attending and incident to the same, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of every such Person or Persons so refusing or neglecting to pay, and so in Arrear as aforesaid, rendering the Overplus (if any) to the Party or Parties so distrained upon, or leaving the same for his, her, or their Use, at the Place where such Distress shall be made; or in the Hands of the Treasurer to the said Commissioners; and all and every the said Collector and Collectors shall, and he and they is and are hereby required to pay the Money he or they shall respectively collect and receive by virtue of this Act, within Seven Days after the Expiration of the Time in which the same is herein-before directed to be collected and raised, to the Treasurer or Treasurers to the said Commissioners, to be applied for the Purposes of this Act; and all and every the said Collectors shall, and they are hereby required, at the Time of making every such Payment of Money so collected, to deliver over to the Person or Persons to whom they pay the same, a true and exact Copy or Duplicate of such Rate or Assessment whereby they have collected the same, with an Account thereupon or thereunder written of all and every such Sum and Sums of Money in such Assessment rated, as remains, or remain uncollected, (if any such there be), together with the Reasons why the same hath or have not been collected

Power to recover Assessments.

Collectors to pay Money to Treasurer;

and deliver Copy of Assessment, with Account of Arrears.

collected and received, in order that such Steps may be taken therein as the said Commissioners shall deem proper; and in case any Person or Persons so appointed Assessor or Assessors, Collector or Collectors, shall refuse or neglect to take upon him or them respectively his or their Offices, or duly to execute the same, according to the true Intent and Meaning of this Act, each of them so offending shall forfeit and pay, for every such Offence, any Sum not exceeding Ten Pounds, nor less than Forty Shillings, and shall continue liable to be again appointed into either of the said Offices the following or any future Year, if the said Commissioners shall so think fit; and in case he or they shall again refuse or neglect to take upon him or them respectively the said Office or Offices, or duly to execute the same, he or they so offending shall be liable again to the like Penalty, and so as often as he or they shall refuse or neglect to take upon him or them the said Office or Offices respectively, or duly to execute the same.

Power to borrow Money.

XLVIII. And, for the more effectually enabling the said Commissioners to execute the Purposes aforesaid in the most expeditious Manner, be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, and they are hereby empowered to borrow and take up at Interest any Sum or Sums of Money, not exceeding the Sum of Three hundred Pounds, upon the Credit as well of the said Rates or Assessments to be made as aforesaid, as of the said Tolls hereby also granted, and by any Writing or Writings signed and sealed by the said Commissioners, to assign the said Rates or Assessments, and also the said Tolls, or a competent Part thereof, to any Person or Persons who shall advance and lend such Money thereupon, as a Security or Securities for the several Sums so borrowed, with Interest for the same, which Interest shall be payable Half-yearly by the Treasurer to the said Commissioners, out of the Monies to arise by or from the said Rates or Assessments, and the said Tolls; and all Persons who shall advance any Sum of Money upon the Credit of the said Rates, Assessments, or Tolls, and shall be possessed of the said Securities, shall be Creditors on the said Rates, Assessments, or Tolls, in equal Degree, without Preference in respect of the Priority of his, her, or their advancing Money thereon; and the Person or Persons to whom any such Mortgage as aforesaid shall be made, or who shall be entitled to the Money thereby secured, shall and may from Time to Time transfer his, her, or their Right, Title, and Interest to the same, to any Person or Persons whomsoever, and such Assignees may in like Manner transfer the same again, and so from Time to Time as Occasion shall require, which Transfers shall be produced to the Clerk to the said Commissioners, within Fourteen Days from the Date thereof, to be registered in a Book to be kept for that Purpose; and it shall not be in the Power of the Person or Persons making such Transfer to vacate, make void, release, or discharge the same, or any Monies due thereon.

Application of Monies.

XLIX. And be it further enacted, That all the Monies to arise, be collected, or received, by, from, under, or in pursuance of the said Rates or Assessments, and Tolls, and which may be borrowed on the Credit thereof, as herein mentioned, and also all other Money which shall come to the Hands, Custody, or Power of the said Commissioners, by virtue of this Act, or for the Purposes thereof, shall be applied in the First Place towards defraying all the Costs, Charges, and Expences, incident to and attending the obtaining and passing this Act, and the Remainder of



of such Monies shall from Time to Time be applied and disposed of in paying off the Principal and Interest Monies to be borrowed as herein mentioned, (if any), and in defraying the necessary Costs, Charges, and Expences of carrying this Act, and the several Powers hereby granted, into Execution, and to and for no other Use or Purpose whatsoever.

L. And be it further enacted, That all Penalties and Forfeitures by this Act imposed, and all Damages, Costs, and Charges which may be demanded or become due by the Authority of this Act, (the Manner of Recovery whereof is not hereby otherwise particularly directed), shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender, or Person liable or ordered to pay the same respectively, by Warrant under the Hand and Seal of any One or more Justice or Justices of the Peace for the said County of *Wilts*, (which Warrant such Justice or Justices is and are hereby authorized to grant), upon the Conviction of the Offender by his or her Confession, or by the Oath of any Witness, or upon Order made by such Justice or Justices for Payment of the said Damages, Costs, or Charges, and Proof of Non-payment thereof, and the said Penalties and Forfeitures when recovered, shall be paid to the said Treasurer, or such other Person as the said Commissioners shall appoint, and be applied towards the Purposes of this Act, (unless where the Application thereof is herein-before otherwise directed); and in case sufficient Distress cannot be found, and any such Penalty or Forfeiture, Damages, Costs, or Charges, shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to commit the Offender, or Person liable or ordered to pay as aforesaid, to the Common Gaol or House of Correction of the said County of *Wilts*, there to remain, without Bail or Mainprize, for such Time as such Justice or Justices shall direct, not exceeding Three Calendar Months, nor less than Twenty-one Days, unless such Penalty or Forfeiture, Damages, Costs, or Charges, and all Expences attending the same, (to be ascertained by such Justice or Justices), shall be sooner paid and satisfied; and if any such Offender or Person as aforesaid shall live out of the said County of *Wilts*, it shall be lawful for any Justice of the Peace of the Limit or County wherein such Person shall reside, and every such Justice is hereby required, upon Request to him for that Purpose made, and upon a true Copy of the Conviction whereby such Forfeiture or Penalty was incurred, or of the Order for Payment of such Damages, Costs, and Charges, produced and proved before him by a credible Witness, to proceed against such Person in the Manner herein-before mentioned and prescribed for the Recovery thereof, and in case of Non-payment, to commit such Offender or Person aforesaid to the Common Gaol or House of Correction of such District or County, for the Time and in Manner aforesaid.

Recovery of Penalties.

LI. Provided always, and be it further enacted, That no Contract which shall be made by any of the said Commissioners for any of the Purposes of this Act, shall be binding upon the said Commissioners as Individuals, or in their private Capacity, nor shall any of them personally, or their respective Estates, be answerable for or subject to the Payment of the Interest of any Monies borrowed by virtue of this Act; and that all the Money which shall be expended by or recovered against any of

Commissioners not personally answerable for Contracts.

the said Commissioners, or any Person or Persons employed by them, by Means of Action, Prosecution, or Appeal, shall be borne and defrayed out of the Money which shall come to the Hands of the Treasurer to the said Commissioners, or any other Person, by virtue of this Act.

Appeal.

LII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Rate or Assessment to be laid, or by any other Thing to be done in pursuance of this Act, and for which no particular Method of Relief is herein appointed, such Person may, within Twenty-one Days after the Cause of Complaint shall have arisen, give Notice of appealing to the Justices of the Peace at the then next or following General Quarter Sessions to be held in and for the said County of *Wilts*, such Notice to be served on the Clerk to the said Commissioners at least Ten Days before such Appeal, and to contain the Matter of such Complaint, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County of *Wilts*, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of the Court, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given, and such Recognizance being entered into, shall hear, and finally decide and determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing or appealed against, as they the said Justices shall think proper; and the Determination of such Quarter Sessions shall be binding and conclusive to all Intents and Purposes.

Persons distraining not to be deemed Trespassers on Account of Defect in Proceedings.

LIII. And be it further enacted, That when any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor any of the Parties making the same be deemed Trespassers, on Account of any Defect or Want of Form in any Proceedings relating thereto, nor shall any of the Parties distraining be deemed Trespassers, *ab initio*, on Account of any Irregularity which shall be afterwards done by any of the Parties distraining, but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the special Damage in an Action upon the Case.

No Plaintiff to recover after Tender of Amends.

LIV. Provided always, That no Plaintiff shall recover in any Action for such Irregularity, Trespass, or other Proceeding, if Tender of sufficient Amends shall be made, by or on Behalf of the Party or Parties who shall have committed, or caused to be committed, any such Irregularity, Trespass, or wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, or Orders and Judgements, shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Proceedings not to be removed by *Certiorari*.

LV. Provided also, That no Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted in or relating

to

to the Execution of this Act, shall be removed by *Certiorari*, or any other Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

LVI. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons employed under, or for any Thing done in pursuance of this Act, until Ten Days Notice thereof shall be given in Writing to such Person or Persons, and to the Clerk to the said Commissioners, or after Six Calendar Months next after the Fact is committed for which such Action or Suit shall be so brought; and every such Action or Suit shall be brought, laid, and tried in the County of *Wilts*, and not elsewhere; and the Defendant or Defendants in every such Action or Actions, Suit or Suits, may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial that shall be had thereupon, and that the Matter or Thing for which such Action or Suit shall be brought, was done in pursuance and by Authority of this Act; and if the said Matter or Thing shall appear to be so done, or if it shall appear that such Action or Suit was brought before Ten Days Notice thereof given as aforesaid, or if any such Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County than as aforesaid, then the Jury shall find for the Defendant or Defendants therein; and if a Verdict shall be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs in any such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such Action or Suit, or if upon Demurrer Judgment in any such Action shall be given for the Defendant or Defendants therein, then and in any of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs in any other Case by Law.

Limitation of Actions.

Treble Costs.

LVII. And, for the more speedy and easy Conviction of Offenders against this Act, be it enacted, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this present Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the like Effect, as the Case shall happen; (*videlicet*),

For the Conviction of Offenders.

County of } BE it remembered, That on the Day of  
 in the Year of our Lord  
 ' A. B. is convicted before me C. D. One of His Majesty's Justices of  
 ' the Peace for the County of [specifying the Offence,  
 ' Time and Place when and where the same was committed, as the Case  
 ' may be, without further setting forth the Information or Evidence against  
 ' the Defendant.] Given under my Hand and Seal the Day and Year  
 ' first above mentioned.'

Form of Conviction.

And that no Objection shall be made, or Advantage taken for Want of Form in any such Conviction, by any Person or Persons whomsoever, and that no Proceeding to be had touching any Offender or Offenders against this Act, shall be quashed, vacated, or discharged for Want of Form only.

Proceedings not to be quashed for Want of Form.

LVIII. And

Publick Act.

LVIII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

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