



ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. xxvi.

An Act for paving and improving the Footways, and for cleansing, lighting, and watching the Streets and other Public Passages and Places in the Town of *Melksham*, in the County of *Wilts*.

[21st May 1816.]

WHEREAS the Footways in the several Streets, Lanes, and other public Passages and Places within the Town of *Melksham*, 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 inconvenient and unsafe for Travellers and Passengers: And whereas it would be a great Benefit 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 public Places, were well and sufficiently cleansed, lighted, and regulated, and all Encroachments, Obstructions, Nuisances, and Annoyances were removed, and in future prevented; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Thomas Bruges*, *Samuel Heathcote*, *Edward Phillips*, the Reverend *Joseph Smith*, *Thomas* Commissioners.

[*Local.*] 6 L *Thomas*

Thomas Bruges, George Bourne, Stephen Bourne, David Dent, Manning Evans, Robert Fowler, Thomas Fowler, John Fowler, Thomas Flower, Thomas Freeman, John Fox, John Hulbert, Thomas Jefferys, George Moule, Frederick Moule, John Mathews, John Moxham, Paul Newman, Thomas Nalder, Edward Phillips the Younger, John Ledyard Phillips, Nicholas Peter Phene, Joseph Spragg, James Spragg, Samuel Vincent, John Wilshere, Richard Webb, and James Watson, and their Successors, to be elected, in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for effecting the Purposes aforesaid, and putting this Act in Execution.

Election of
new Com-
missioners.

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 be absent from the said Town and Chapelry for the Space of Twelve Calendar Months, and reside more than One Mile from the Parish of *Melksham* or Chapelry of *Seend*, 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 of *Melksham*, 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 affixing the same on the Door of the Parish Church of *Melksham* aforesaid, on some *Sunday* Morning before the Time of Divine Service, 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 a Messuage or Tenement, or Messuages or Tenements, of the clear Yearly Value of Twenty Pounds above Reprizes, or shall be the Occupier of a House within the said Town of *Melksham*, of the Annual Rent of Twenty Pounds or upwards, 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 and to the Effect following:

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 Possession, Enjoyment, or Receipt of the Rents and Profits of
‘ a Messuage or Tenement, Messuages or Tenements, within the Town
‘ of *Melksham*, of the clear Yearly Value of Twenty Pounds above
‘ Reprizes [or, am the Occupier of a House within the said Town of
‘ *Melksham*, of the Annual Rent of Twenty Pounds or upwards;] and
‘ that I will truly and faithfully, according to the best of my Skill and
‘ Judgment,

‘ Judgment, execute and perform all and every the Powers and Authorities reposed in me by virtue of an Act, passed in the Fifty-sixth Year of the Reign of His Majesty King George the Third, intituled ‘ *An Act*, [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 Essoign, Protection, or Wager of Law, or more than One Imparance 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, and be it further enacted, 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 Five or more of them, shall and may meet at the *King’s Arms Inn* in the said Town of *Melksham*, or at such other Place in the said Town, as the said Commissioners, or any Five or more of them shall appoint, on the Second *Monday* next after the passing of this Act, or so soon after as conveniently may be, between the Hours of Ten 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 (one Commissioner being always deemed sufficient for the Purpose of Adjournment only), or if they shall at any Time neglect or refuse to adjourn, then and in every such Case any Three of the said Commissioners, shall and they are hereby authorized to call a Meeting, public Notice thereof being given, by affixing the same on the principal outer Doors of the Parish Church of *Melksham* aforesaid, at least Seven clear Days before such Meeting; and at all Meetings to be held in pursuance of this Act, the Commissioners present shall pay and 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 to be 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

Time and Place of Meeting to put Act in Execution, &c.

being less than Five, except as aforesaid, and except any other Number is herein-after 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 or shall be desired by any Three or more of them then present; and in case of an equal Number of Votes upon any Occasion (including the Chairman's Vote) the Chairman shall have another, and the casting Vote.

Manner of
revoking
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 shall 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, enter or 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 Courts, and in all Suits, Actions, Informations, Appeals, and other Proceedings, touching any Thing done or to be 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.

Accounts to
be kept of
Receipts and
Disburse-
ments, which
shall be open
to the Inspec-
tion of the
Trustees and
Creditors.

VIII. And be it further enacted, That the said Commissioners shall, and they are hereby required, to order and direct a Book or Books to be provided and kept by their Clerk or Treasurer for the Time being, in which Book or Books such Clerk or Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended, for or on account of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, or any Creditor or Creditors on the Rates hereby granted, without Fee or Reward; and the said Commissioners and Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof,

thereof, without paying any Thing for the same; and in case the said Clerk or Treasurer, or the Person or Persons who shall have the Care and Custody of the said Book or Books, shall refuse to permit the said Commissioners or such Creditors to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk or Treasurer, or Person or Persons, shall forfeit and pay any Sum of Money not exceeding Five Pounds.

IX. And be it further enacted, That the said Commissioners shall and may at their first or any subsequent Meeting to be held under or by virtue of this Act, appoint One or more Treasurer or Treasurers, Clerk or Clerks, and One or more Collector or Collectors of the Rates or Assessments herein-after 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 another or 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 pay and make 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 Treasurer or Treasurers, Clerk and other Officers, for the due Execution of his and their respective Office or 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 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 if any of such Officers or Persons shall neglect or refuse to deliver any such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts 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
[Local.]
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Persons

Commission-
ers may ap-
point Officers,
&c.

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 the Purpose, of any such Neglect or Refusal as aforesaid, to any One or more Justice or Justices of the Peace of the Place or County in which 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 (which Oath, and also the Oath herein-after mentioned, such Justice or Justices is and are hereby empowered to administer) 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 Non-payment 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 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 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 and he and they is and are hereby authorized to commit every such Offender or Offenders to the Common Gaol for the 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 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 Time than Three Calendar Months.

X. 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 which such Person held, or otherwise relating to the Execution of this Act, which shall come to the Hands or Possession of such Executors, Administrators, Assignees, or other Person or 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 appointed by them 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*, or elsewhere, 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.

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

XI. 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 to be held pursuant to this Act, by Writing 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.

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

XII. 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 Public 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

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

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, no Inhabitant of the Parish of *Melksham* aforesaid shall be deemed an incompetent Witness, by reason of his or her being charged to and paying any of the Rates, Assessments, or Duties imposed by virtue of this Act, or any other Rates or Duties within the said Town.

Property of
Pavements
vested in
Commission-
ers.

XIII. 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 public Places within the said Town, and also in such other Streets, Lanes, or other Public Passages and Places as now are or shall hereafter be built upon or made within the Parish of *Melksham* aforesaid, not exceeding One Mile from the Front Door of the *King's Arms* Inn, in *Melksham*, 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, and Places, and of all the Ashes and Cinders, Dirt, and Rubbish to be taken and carried away from the Houses in the said Streets, Lanes, 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 Bill or Bills of Indictment, as the Case shall require, against any Person or Persons who shall steal, 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 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.

Commission-
ers may order
Streets to be
paved, light-
ed, &c.

XIV. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, from Time to Time and 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, and Places already formed and made, or hereafter so to be in the said Town of *Melksham*, and within the Distance of One Mile measured from the Front Door of the *King's Arms* Inn as aforesaid, to be taken up, and the several Footways in the said Streets, Lanes, and Places to be paved, pitched, repaired, raised, lowered, relaid, widened, or altered, in such Manner as the said Commissioners, or any Five or more of them, shall think proper; and also to cause, order, and direct the said several Streets, Lanes, 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,

Sinks, Gutters, or Watercourses for conveying the Water out of and from the several Streets, Lanes, 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 Five 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 Five 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 Five 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, 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 Five 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 outer Door of the Parish Church of *Melksham* aforesaid, on some *Sunday* Morning before the Time of Divine Service.

XV. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby empowered and required at the First or at any of their Public Meetings to be held in pursuance of this Act, to order and appoint such a Number of Watchmen and Night Constables as they shall judge necessary within the said Town of *Melksham* and Distance therefrom as aforesaid, for One Year commencing from the Day next ensuing the said Order; and shall also order and direct what Number of Watchmen shall attend every Night within the said Town and Distance therefrom as aforesaid, and how such Watchmen shall be armed; and shall also order and appoint in Writing at what Stands and Places it is fit such Watchmen should be placed, how long they are to watch, and how often they shall be required to go their Rounds; and the said Commissioners shall further order and direct what Wages and Allowances shall be given to the said Watchmen and Night Constables for their Attendance; and if any of the said Watchmen so by them appointed shall be negligent in his or their Duty, or guilty of any Misbehaviour, then the said Commissioners shall or may from Time to Time remove any Watchmen so negligent or guilty as aforesaid, and nominate and appoint any One or more fit Person or Persons in the room of him or them so removed, or in the room of any Watchmen who shall die within the Time for which they shall be appointed to serve; and the said Commissioners are hereby empowered to make such further Orders and Regulations from Time to Time, for the better Government and Direction of the said Watchmen and Night Constables, as the Nature of each particular Service shall appear to them respectively to require.

Commissioners to establish a regular Watch.

[*Local.*]

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XVI. And

Power to get
Materials.

XVI. And be it further enacted, That the said Commissioners or their Surveyor, or such other Person or Persons as they or 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, Common River or Brook, near the Town of *Melksham* 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, near the said Town (not being Ground built on, or a Yard, Garden, Orchard, Nursery for Trees, or Land improved as Pleasure Ground, or Land adjoining the Dwelling House of any Inhabitant of *Melksham*) 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 or Occupiers of such Private Land, for the Damage which shall be done thereto, such Equivalent in Money as the said Commissioners, or any Five or more of them, 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 Judgment or Order of the said Justice or Justices therein shall be final and conclusive to all Parties.

Notice to be
given to Oc-
cupiers of in-
closed Lands,
before Mate-
rials are taken
therefrom.

XVII. Provided always, and be it further enacted, That it shall not be lawful for any Surveyor or any other Person or Persons, under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for the Purposes of this Act, out of or from any inclosed Lands or Grounds, until Five Days Notice in Writing, signed by such Surveyor, shall have been given to the Occupier of the Premises from which such Materials are intended to be taken, or left for such Occupier at his or her usual Place of Residence, to appear before any One or more Justice or Justices of the Peace acting for the County or Place where such Premises shall lie, to shew Cause why such Materials shall not be had from such Lands or Grounds; and in case such Occupier, or his or her Agent, shall attend pursuant to such Notice, but shall not shew sufficient Cause to the contrary, then and in such Case it shall be lawful for the said Justice or Justices, by his or their Order, to authorize such Surveyor or other Person or Persons to dig, get, gather, take, and carry away such Materials, at such Time or Times as to such Justice or Justices shall seem proper; and if such Occupier shall refuse or neglect to appear by himself or herself, or his or her Agent, such Justice or Justices shall and may make such Order therein as they shall think fit, as fully and effectually, to all Intents and Purposes, as if such Occupier, his or her Agent had attended.

Penalty on
taking away
Materials got

XVIII. Provided always, and be it further enacted, That if the Owner or Occupier of any Ground or Soil, or any Person whomsoever, shall take

take away any Materials which shall have been dug or gathered in any Ground, River, or Brook, for the Purpose of this Act, or shall get or take away any Materials out of any Pit or Quarry, which shall have been made, dug, or opened for the Purpose of getting the said Materials, before the said Surveyor or his Workmen shall have discontinued working therein for the Space of Forty Days (except the Owner or Occupier of any private Ground, and the Person or Persons authorized by such Owner or Occupier to get Materials for his own private Use only, and not for Sale), every Person so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

by the Surveyors.

XIX. 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 whomsoever, employed by virtue of this Act, in the Performance or Execution of his Duty, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for obstructing the Surveyor or Workmen.

XX. 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, or Place within the said Town, or within the Distance herein-before mentioned as aforesaid, without the Consent in Writing of the said Commissioners, or any Five or more of them, under their Hands, first had and obtained at a Meeting, upon pain of forfeiting for every such Offence any Sum not exceeding Forty Shillings.

Form of the Pavement not to be altered without Consent.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, 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, 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 sustained or suffered in case of Non-performance 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 Public 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.

XXII. 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

Surveyor to inspect the Works.

Contractor
may be sued.

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 or Execution 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 and for the Purposes of this Act.

Lamp Irons
to be fixed.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, to order and cause Lamp Irons to be put or affixed into, upon or against the Walls, Sides, or Palisadoes of any of the Houses, Tenements, or Buildings, within the said Town of *Melksham*, and also in such other Streets, Lanes, or other public Places, as now are or shall be hereafter built upon or made within the said Parish of *Melksham*, not exceeding One Mile from the *King's Arms 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 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 shall 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, and 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 (which Oath such Justice is hereby empowered to administer) 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 for each Lamp, Lamp Post, Iron, or other Furniture so taken away, broken down, or damaged, and for every Light so extinguished

guished as aforesaid, or Pavement or other Works destroyed or damaged; One Moiety of which Penalty shall go to the Informer, and the other Moiety shall be applied for the Purposes of this Act, 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 authorized, empowered, and 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; 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 satisfied; 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 injure 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 of and for the said County, upon Complaint to him made by any Two 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 Complaints, 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.

XXIV. And be it further enacted, That the Scavengers or Person or Persons employed in or contracting for cleansing the said Streets, Lanes, 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, 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, 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 for every Offence or Neglect of Duty therein.

Scavenger's
Duty.

XXV. 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, and Places within the said Town, or not exceeding One 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

Inhabitants to
sweep Pavements
opposite their
own Houses.

[Local.]

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of

of their respective Houses, Tenements, Outhouses, Stables, Buildings, Gardens, or Walls, the Extent of the Pavement before the same, between the Hours of Seven and Nine of the Clock in the Forenoon, Twice or oftener in every Week, and particularly on every *Saturday*; 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, 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 Five Shillings for every Neglect therein.

No Person to carry away Soil except a Scavenger.

XXVI. 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, or Places within the said Town, or the Distance therefrom as aforesaid, unless by the Direction of the said Commissioners, 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 for every such Offence.

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

XXVII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to 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 own 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, 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, 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 the said Commissioners, or any Three of them, 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 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.

XXVIII. 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, and Places, before the House or Tenement of such Person, occasioned by the building, rebuilding, 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, or Place, at his or her

her own proper Costs and Charges, within a reasonable Time after the building, rebuilding, pulling down, or repairing such House or Tenement 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 Three 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, or Place) set up and maintain sufficient Light during the Night-time, to prevent any Mischief happening to Passengers or Cattle.

XXIX. 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, 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, or Places, any Horse, Swine, or other Beast or Cattle, or shall kill, slaughter, finge, 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, unless in case of Accident, or shoe, bleed, or farry any Horse or other Beast in any of the said Streets, Lanes, or Places, or shall flake, 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, 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, or Places (except on Fair or Market Days, and then leaving sufficient Footway for Passengers) or if any Person or Persons shall make or assist in making any Fire or Fires commonly called Bonfires, or shall set fire to or let off or throw any Squib, Rocket, Serpent, or Firework whatsoever, or play at Football or any other Game or Games in any of the said Footways, Streets, Lanes, or Places, every Person offending in any or either of the said Cases, shall forfeit and pay any Sum not exceeding Twenty Shillings, over and above such Penalties as are inflicted on any of the said Offences by any Law or Statute now in force.

Penalty on
causing An-
noyances in
the Streets.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five 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 erected or built, or hereafter to be erected or built against the Front or Side of any House or Building within any of the said Streets, Lanes, or Places within the said Town of *Melksham*, 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 such Porch, Bulk, or Penthouse against the Front or Side of any House or other Building, within any of the said Streets, Lanes, or

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

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

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

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; and it shall be lawful for the said Commissioners, or any Five or more of them, from Time to Time to cause all such Porches, Bulks, 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 Five or more of them, to cause all such Posts within the said Streets, Lanes, or Places, as they shall think useless or inconvenient, to be taken up and removed, and all Steps, Posts, Show Glasses, and Show 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, Show Boards, Spouts, and Gutters projecting into any of the said Streets, Lanes, 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, Show 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, Show 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 flat 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, Show Board, Spout, Gutter, or other Projection, Obstruction, or Annoyance, or cause the same to be done contrary to the Directions of this Act, he or she shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Nuisances to
be removed.

XXXI. And be it further enacted, That if any Hog-stye, Necessary-house, or any other noisome Building, Dung Mixen, or any other Matter whatever, in or near any of the said Streets, Lanes, 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, or any Three of them, 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 Three 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.

XXXII. And

XXXII. And for preventing Dangers in future by Fire, and for the greater Safety and Security of the Inhabitants of the said Town and Limits aforesaid, be it further enacted, That all Houses, Outhouses, and other Buildings (except Outbuildings belonging to Farmers) that shall after the passing of this Act be built, erected, or rebuilt within the said Town of *Melksham*, or the Distance therefrom as aforesaid, shall be covered with Lead, Slate, or Tile, and not with Thatch or Straw; and if any Person or Persons shall at any Time or Times after the passing of this Act, cover any House, Outhouse, Building, or any Part thereof (except as aforesaid) in the Town of *Melksham* aforesaid, or the Distance aforesaid, with any Thatch or Straw Covering, 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; and it shall 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; One Moiety of the said respective Penalty shall be paid to the Informers, and the other Moiety to the Poor of the Parish of *Melksham* aforesaid.

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

XXXIII. 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, 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, from 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 Pavement broken or damaged, how to be recovered.

XXXIV. And in order to the widening of such of the said Streets, Lanes, and Places, 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, and not being Thirty Feet wide, 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; and it shall be lawful for all Bodies Politic 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, whe-

Power to purchase Buildings for the Purpose of widening Streets.

ther Infants, Issue unborn, Lunatics, or Idiots, and for all Females Covert, and other Persons, who are or shall be seised, 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, Usage, Custom, or other Matter or Thing to the contrary notwithstanding; and all such Bodies Politic 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.

Commissioners restrained from taking down Dwelling Houses, &c. without Consent.

XXXV. Provided always, and be it further enacted, That the Powers and Authorities hereby given shall not extend or be construed to extend to empower or authorize the said Commissioners to take or pull down any Dwelling House or other Building, or to take in or make use of any Orchard, Garden, Yard, Paddock, Planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively, without the Consent, in Writing, of the Owner or Proprietor thereof first had and obtained (other than and except all or any Part of the House belonging to *Taylor in Melksham* afore said, commonly called *The George Inn*, and now in the Occupation of *George Newman*;) any Thing in this Act contained to the contrary notwithstanding.

In case of not agreeing as to Purchase Money, to summon a Jury.

XXXVI. Provided always, and be it further enacted, That if any such Person or Persons, Bodies Politic or Corporate, Corporations Aggregate or Sole, Tenants in Tail or for Life, Trustees, Feoffees, Guardians, Committees, Executors, Administrators, or any other Person or Persons in anywise interested in such Dwelling Houses or other Buildings, Lands, Tenements, or Hereditaments, required to be purchased and taken down for the Purposes of this Act, or any Occupier or Occupiers, sustaining any such Loss, Injury, or Damage as afore said (upon Notice to him or them given or left in Writing at the Dwelling House or Houses or usual or last Place or Places of Abode of such Person or Persons, or of the Principal or Head Officer or Officers of such Bodies Politic or Corporate, or Corporations, or at the House of the Tenant or Tenants in Possession of such Dwelling Houses or other Buildings, Lands, Tenements, or Hereditaments intended to be purchased, taken down, and converted into or made Parts of the said Streets, Lanes, Public Ways and Passages as afore said) shall, for the Space of Twenty-one Days after such Notice given or left as afore said, neglect or refuse to treat, or shall not agree for the Sale of the said Premises, or by reason of Absence or Disability shall be prevented from treating, or cannot be found or known, or shall not produce a clear Title to the Hereditaments they are in Possession of, or the Interest they claim therein, to the Satisfaction of the said Commissioners, then and in every such Case the said Commissioners shall cause the Value of and Recompence to be made for such Dwelling Houses or other Buildings,

Buildings, Lands, Tenements, or Hereditaments, to be enquired into and ascertained by a Jury of Twelve indifferent Men of the County of *Wilts*; and for the summoning and returning such Jury, the said Commissioners are hereby empowered, from Time to Time, to issue out their Warrant or Warrants to the Sheriff of the said County, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Twenty-four Persons qualified to serve upon Juries at the Sessions of the said County, and who are respectively seised or possessed of Freehold or Leasehold Estates within the said County, of the Annual Value of Five Pounds, to appear before the said Commissioners at such Time as in such Warrant or Warrants shall be appointed; and the said Sheriff is hereby required to impanel, summon, and return such Number accordingly, to attend at the Time and Place so appointed; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Commissioners are hereby empowered to swear Twelve to be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Commissioners are also hereby required and empowered from Time to Time, as Occasion shall be or require, to summon and call before the said Jury, and examine upon Oath (which Oath any One or more of the said Commissioners are hereby empowered to administer) all and every Person and Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises; and they shall also order and cause the said Jury to view the Places in question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premises, as the said Commissioners shall think fit; and the said Jury shall assess the Damages and Recompence to be given for the said Dwelling Houses or other Buildings, Lands, Tenements, or Hereditaments, to the respective Owner or Owners thereof, according to their respective Interests therein, and shall give in their Verdict thereupon; and after the said Jury shall have enquired of and assessed such Damage, and given in their Verdict, the said Commissioners shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the Person or Persons interested in the said Dwelling Houses or other Buildings, Lands, Tenements, or Hereditaments, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition of the said Jury, and the Judgment, Order, or Determination thereupon so had and made, shall be final, binding, and conclusive to all Intents and Purposes, against all Infants, Issue unborn, Idiots, Lunatics, Femes Covert, Bodies Politic or Corporate, Corporations Aggregate or Sole, Trustees, Feoffees, Guardians, Committees as well absent as present, claiming in Possession, Reversion, or Expectancy, or otherwise, and against their several and respective Heirs, Successors, Executors, or Administrators, and against all other Person or Persons whomsoever; and all and every such Owners, Proprietors, Occupiers, and other Persons in anywise interested in such Dwelling Houses, Buildings, or Grounds, shall thereby be from thenceforth

forth to all Intents and Purposes divested of all Right; Title, Claim; Remainder, Reversion, Interest, or Property of, in, to or out of the same; and on Payment of the Money so assessed to the respective Persons entitled thereto, or their Agents, or upon paying the same into the Bank of *England* in Manner by this Act directed, it shall and may be lawful to and for the said Commissioners to cause the Premises in respect whereof such Money shall be assessed to be disposed of, and such Acts to be done thereto as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase or Consideration Money had been received by the Person or Persons entitled thereto, and thereupon the same Premises shall vest absolutely in the said Commissioners, and they shall be and be deemed to be in the actual Seisin and Possession thereof to all Intents and Purposes whatsoever; and every Verdict and Judgment thereupon shall be fairly entered and kept amongst the Records of the Quarter Sessions of the Peace of the said County, and a Duplicate of such Verdict and Judgment shall be kept by the Clerk of the said Commissioners, and the same, or true Copies thereof, shall be admitted, received, and taken as Evidence and Proof in all Courts of Law or Equity at all Places whatsoever, and all Persons shall have recourse to them *gratis*, and may take Copies thereof, paying Sixpence for every Seventy-two Words, and so in Proportion for any less Number of Words; and the said Commissioners acting in the Premises shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff making Default on the Premises, and on any of the Persons who shall be summoned and returned on such Jury, and shall not appear without some sufficient Excuse, or who shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give or shall not join in giving his Verdict, or shall in any other Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act; and if any Person or Persons who being summoned to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, without some sufficient Excuse, or appearing shall refuse to be sworn and give Evidence, so as such Fine to be imposed on such Sheriff shall not exceed the Sum of Twenty Pounds for One Offence, and so as such Fine to be imposed on any Jurymen or Witnesses shall not exceed the Sum of Five Pounds for One Offence.

Expences of
the Jury, &c.
how to be
paid.

XXXVII. And be it further enacted, That in case any such Jury shall give in or deliver a Verdict for more Money, as a Recompence or Satisfaction for such Damages, than shall have been offered or tendered by the said Commissioners before the summoning or returning of such Jury, then the Costs and Expences of summoning and maintaining such Jury and Witnesses shall be borne and paid by the said Commissioners out of the Money arising by virtue of this Act; but if any such Jury shall give in and deliver a Verdict for no more or for less Money, as a Recompence or Satisfaction for such Damages, than shall have been offered or tendered by the said Commissioners before the summoning or returning of the said Jury or Juries, then the Costs and Expences of summoning and maintaining such Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Commissioners shall have had any Contro-

versy

verfy or Difpute, and fhall be recovered in the fame Manner as any Penalties and Forfeitures are herein-after directed to be recovered; and in Cafes where Parties, by reason of Abfence or Difability, fhall have been prevented from treating, fuch Cofts and Expences fhall be paid by the faid Commissioners.

XXXVIII. And be it further enacted, That every Leffee or Tenant for Years or at Will, Mortgagee, and every other Perfon in Poffeffion of any Buildings, Lands, Tenements, or other Hereditaments, which fhall be purchafed by virtue and for the Purpofes of this Act, fhall deliver up the Poffeffion of fuch Premifes to the faid Commissioners, or to fuch Perfon or Perfons as they fhall appoint to take Poffeffion of the fame, upon having Three Months Notice from the faid Commissioners, or the Perfon or Perfons fo appointed by them, to quit the fame at fuch Time or Times as fhall be required by fuch Notice, they the faid Commissioners making fuch Satisfaction and Compensation to every fuch Tenant or Leffee as aforefaid (except a Mortgagee), in cafe he or ſhe fhall be required to quit before the Expiration of his or their Term in the Premifes, as the faid Commissioners fhall deem juſt and reasonable; and in cafe any Difpute or Difference fhall ariſe touching or concerning the fame, fuch Satisfaction and Compensation fhall be fettled and aſcertained by a Jury, in fuch and the like Manner as the Satisfaction and Compensation to be made by the faid Commissioners for the Purchase of any Buildings, Lands, Tenements, or Hereditaments, is and are herein directed to be fettled and aſcertained, in cafe of any Difference or Difpute about the fame; and fuch Perfon or Perfons in Poffeffion fhall, at fuch Time or Times as he, ſhe, or they may be required by the faid Commissioners, peaceably and quietly deliver up the Poffeffion of the faid Premifes to the faid Commissioners, or to the Perfon or Perfons authorized by them to take Poffeffion thereof; and if any fuch Perfon or Perfons fo in Poffeffion as aforefaid fhall refuſe or neglect to deliver up fuch Poffeffion, then and in every fuch Cafe it fhall be lawful for the faid Commissioners to iſſue their Precept or Precepts to the Sheriff of the faid County, to deliver Poffeffion of the Premifes to fuch Perfon or Perfons as fhall in fuch Precept or Precepts be nominated to receive the fame; and the faid Sheriff is hereby required to deliver Poffeffion of the faid Premifes accordingly, and to levy fuch Coſts as fhall accrue from the iſſuing or Execution of fuch Precept or Precepts on the Perfon or Perfons fo refuſing to deliver up Poffeffion as aforefaid, by Diſtreſs and Sale of his, her, or their Goods and Chattels.

XXXIX. And be it further enacted, That if any Money fhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchafed, taken, or uſed by virtue of the Powers of this Act for the Purpofes thereof, which fhall belong to any Feme Covert, Infant, Lunatic, Idiot, Ceſtuique Trust, or to any Perfon or Perfons whoſe Lands, Tenements, and Hereditaments are limited in ſtrict or other Settlement, or to any Corporation, or Perfon or Perfons under any Difability or Incapacity whatſoever, fuch Money fhall, in cafe the fame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed

[Local.]

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to

Persons in
Possession to
quit on hav-
ing Three
Months No-
tice.

Application
of Compen-
sation when
amounting to
200l.

to his Account *ex-parte* the Commissioners for executing this Act; to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase and Redemption of the Land Tax, or towards the Discharge of any Debt or Debts or such other Incumbrances or Part thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting any other Lands, Tenements, or Hereditaments, standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same may be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled, or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall by Order of the said Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Messuages, Lands, Tenements, and Hereditaments, so hereby directed to be purchased in case such Purchase or Settlement were made.

Application
of Compensation
if less
than 200l.
and exceeding
20l.

XL. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases, the same shall at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, to be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Commissioners for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that

such

such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining, or being required to obtain, the Direction or Approbation of the said Court of Chancery.

XLI. Provided also, and be it further enacted, That when such Money, so agreed or awarded to be paid as last before-mentioned, shall not exceed Twenty Pounds, then and in all such Cases, the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Application when the Money is less than 20l.

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

In case any Person shall refuse to accept Money awarded, same to be paid into the Bank of England.

XLIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Body or Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity

Where any Question shall arise

touching the
Title, &c.

Privity of the Accountant General of the said Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Body or Bodies, Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Body or Bodies, Person or Persons, or under the Possession of such Body or Bodies, Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

In case of Incapacity of Persons entitled to Lands, Purchase Money to be paid into Court of Chancery.

XLIV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance hereof, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, or any Five or more of them, out of the Monies to be raised by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Mortgagees to convey on Tender of Principal and Interest.

XLV. And be it further enacted, That all and every Person or Persons who shall have any Mortgage or Mortgages on such Houses, Buildings, Lands, Tenements, or Hereditaments, not being in Possession thereof, by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal and Interest due thereon, together with the Amount of Three Calendar Months Interest on the said Principal Money by the said Commissioners, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Commissioners, or such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Commissioners, or such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the Mortgage or Mortgages at the End or Expiration of Three Calendar Months, to be computed from the Day of giving such Notice, that then, at the Expiration of the said Three Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in

the

the Premises to the said Commissioners, or such Person or Persons as shall be appointed as aforesaid, in Trust for them; and in case such Mortgagee or Mortgagees shall refuse to convey or assign as aforesaid on such Tender or Payment, that then all Interest on every such Mortgage shall from thence cease and determine: Provided always, that in case the Sum due upon every such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of such Houses, Buildings, Lands, Tenements, or Hereditaments, or the Part or Parts thereof which shall be taken for the Purposes of this Act, such Value to be ascertained in Manner herein-before directed, then the said Commissioners shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of such Premises to be determined as aforesaid.

XLVI. Provided always, and be it further enacted, That in case any such Mortgagee shall refuse or neglect to convey or assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any such Mortgage as aforesaid, into the Bank of *England*, at the End of Three Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers shall give a Receipt or Receipts for the said Money, in like Manner as herein-before directed in case of other Payments into the Bank of *England*; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand whatsoever of the said Mortgagee or Mortgagees, and of all and every Person or Persons in Trust for him, her, or them, shall vest in the said Commissioners, and they shall be deemed to be in the actual Possession of the Premises comprized in such Mortgage or Mortgages to all Intents and Purposes whatsoever: Provided also, that if the Money and Interest due in respect of any Mortgage or Mortgages of the said Houses, Buildings, Lands, Tenements, or Hereditaments, or Part or Parts thereof, which shall be purchased or taken by virtue of this Act, shall amount to more than the Value of the Premises charged therewith, or of such of them, or such Part or Parts thereof as shall be purchased or taken by virtue of this Act, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum to be ascertained as the Value of the Houses, Buildings, Lands, Tenements, and Hereditaments, or Part or Parts thereof, to be purchased or taken as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Houses, Buildings, Lands, Tenements, and Hereditaments, or Part or Parts thereof, to the said Commissioners, or to such Person or Persons as shall be appointed as aforesaid, and in default of so doing, and on Payment of such Money into the Bank of *England*, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above-mentioned, and thereupon all the Estate, Right, Title, Interest, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for them, in the said Houses, Buildings, Lands, Tenements, and Hereditaments, or Part or Parts thereof, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Commissioners, and they shall be deemed to be in the actual Possession of the said Premises, to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees.

Upon Payment of Principal and Interest into the Bank, Mortgages to vest in the Commissioners.

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XLVII. And

Commissioners may sell old Materials.

XLVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized, in such Manner as they shall think proper, to sell or cause to be sold the Materials of Houses and other Buildings to be taken down and removed pursuant to this Act; and the Monies to be produced by the Sale thereof (after deducting the Expences of taking down such Houses and Buildings, and of such Sale or Sales) and also the Rents and Profits of the said Houses, Buildings, Lands, Tenements, and Hereditaments, to be purchased or taken by virtue of this Act, until the same shall be taken down or cleared, shall be applied and disposed of for or towards the Purposes of this Act.

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

XLVIII. And be it further enacted, That the Surveyor or Surveyors of the Highways for the Time being of the Town of *Melksham* aforesaid, shall from and after the passing of this Act, at all Times hereafter, Yearly and every Year, on the Twenty-ninth Day of *September*, 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 *Melksham* on Houses within the said Town, and the Distance of One Mile therefrom as aforesaid, to the Treasurer or Treasurers of the said Commissioners, the full Amount of the said Statute Duty and Composition Money, so by him or them to be received and collected, and in like Manner as the same has usually been 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 *Melksham*, as now are repaired or ought to be repaired by the said Surveyor or Surveyors of the said Town of *Melksham*, and the same shall be applied as the Rates hereby authorized to be collected are 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 full Amount of the said Statute Duty and Composition Money, upon the Surveyor or Surveyors for the Time being of the said Town of *Melksham*, in case of his or their neglecting or refusing to collect and pay the same, in the same Manner as Penalties and Forfeitures are herein-after directed to be recovered.

Power to raise Money by Rates, and appoint Assessors.

XLIX. 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, or any Five or more of them, shall, as soon as conveniently may be, and for ever after 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, to be made upon all Messuages, Tenements, or Dwelling Houses, now erected and built,

built, or that shall or may hereafter be erected and built within the said Town, or within One Mile therefrom as aforesaid; 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: 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, and that no Manufactories, Warehouses, or other Buildings, not occupied as Dwelling Houses, shall be charged with or be liable to pay the aforesaid Pound Rate or any Part thereof; nor shall any Dwelling House be rated on account of any Field or Fields occupied therewith, but merely as a Dwelling House.

L. 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 charged and liable (for the Purposes of this Act) to pay the said Rates and Duties, as the Occupier thereof, if the said Commissioners shall think fit and proper.

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

LI. 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 as herein-before directed for Recovery of Rates; which said Proportion, in case of Dispute, shall be settled and ascertained by the said Commissioners.

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

LII. 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 Collectors 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, or to lessen the Rate or Assessment as to any House

Rates to be allowed and signed by Commissioners.

or

or Houses which may be so situated as not to require the full Benefit of this Act; and in order to the Amendment and Allowance of all such Rates and Assessments, and the further Proceedings thereupon, the said Collectors 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, and 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.

Collectors to be appointed and to receive Rates.

LIII. And be it further enacted, That it shall be lawful for the said Commissioners; or any Five or more of them, 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 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.

Power to recover Assessments.

LIV. And be it further enacted, That in case any Person or Persons so rated, charged, or assessed as aforesaid, shall neglect or refuse 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 *Wills* (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 of 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 hereinbefore directed to be collected and raised, to the Treasurer or Treasurers of 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 whereby the same hath or have not been 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 neglect or refuse 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, and shall continue liable to be again appointed in 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 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.

LV. Provided always, and be it further enacted, That no Person or Persons who shall be of the Age of Sixty Years or upwards, or any Woman or Women, shall be appointed Assessor or Assessors, Collector or Collectors under this Act; nor shall any Person or Persons who shall have been Assessor or Assessors, Collector or Collectors aforesaid, be again compelled to take upon himself or themselves the said Office or Offices for the Space of Ten Years next after such Service; nor shall any Person or Persons who shall have paid the said Penalty, be compelled to serve as Assessor or Assessors, Collector or Collectors under this Act, without his or their Consent respectively.

No Person of the Age of Sixty Years, &c. to be appointed Assessors.

[*Local.*]

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LVI. Pro.

Buildings not
subject to be
assessed while
unoccupied.

LVI. Provided always, and be it further enacted, That no House, Tenement, or Hereditaments 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.

Power to raise
Money.

LVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they shall see necessary for the Purposes of this Act, not exceeding in the Whole the Sum of One thousand five hundred Pounds, upon the Credit of the Tolls, Rates, or Assessments to be laid and collected by virtue of this Act, and by Writing under their Hands and Seals to assign all or any of the said Tolls, Rates, or Assessments, to such Person or Persons as shall lend or advance any Money thereon, or to his or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with any legal Interest for the same; and the Costs and Expences of such Assignment thereof, to be made as hereinafter mentioned, shall be from Time to Time defrayed by the said Commissioners out of the Monies to be so borrowed; and every such Assignment shall be in the Words or to the Effect following; (that is to say),

Form of
Mortgage.

‘ WE of the Commissioners, appointed by or in
‘ pursuance of an Act passed in the Fifty-sixth Year of the Reign
‘ of King George the Third, intituled, [*here set forth the Title of this Act*]
‘ in Consideration of the Sum of advanced and lent by
‘ A. B. upon the Credit and for the Purposes of the said Act, do hereby
‘ grant and assign unto the said A. B. [*or, to his Trustee or Trustees, as
‘ the Case may require*] his Executors, Administrators, and Assigns,
‘ such Proportion of the Tolls, Rates, or Assessments arising by virtue of
‘ the said Act, as the said Sum of doth or shall bear to
‘ the whole Sum, which may at any Time be borrowed or become due
‘ and owing or be charged upon the Credit of the said Act, to be holden
‘ from this until the said Sum of with
‘ Interest at *per Centum per Annum* for the same, shall be repaid
‘ and satisfied. In witness whereof, we have hereunto set our Hands and
‘ Seals, this Day of in the Year .’

And every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment thereof, and to all Profit and Advantage thereon, according to the true Intent and Meaning of this Act.

LVIII. And be it further enacted, That it shall and may be lawful to and for the Person or Persons entitled to any of the Securities for the Money to be borrowed at such legal Interest as aforesaid, and their respective Executors, Administrators, and Assigns (as the Case may be) at any Time, by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever; which Transfer may be in the Words or to the Effect following; (that is to say),

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 such 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, 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.

Commissioners not personally answerable for Contracts.

LXI. 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 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.

LXII. 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 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 Fourteen Days before such Appeal, and to contain the Matter of Complaint, and within Four 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 Quarter 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

LXIII. 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

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

on account
of Defect in
Proceedings.

LXIV. 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 Fourteen Days Notice thereof shall be given in Writing to such Person or Persons, and to the Clerk of 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 where the Cause of Action shall have arisen, 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 of 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 Fourteen 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.

LXV. 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; (that is to say),

Form of Con-
viction.

‘ 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 the 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.’

Proceedings
not to be
quashed for
want of
Form.

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,

Public Act.

LXVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and others, without being specially pleaded.

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