



ANNO QUINQUAGESIMO SEPTIMO

# GEORGI II. REGIS.

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## Cap. ii.

An Act for paving the Footways, and for lighting and cleansing the Streets, Lanes, and Public Places within the Town and Borough of *Tetbury*, in the County of *Gloucester*, and for preventing Nuisances therein. [17th March 1817.]

**W**HEREAS the Footways of the several Streets, Lanes, and Public Places within the Town and Borough of *Tetbury*, in the County of *Gloucester*, are not properly paved, cleansed, or lighted, and are subject to various Nuisances and Obstructions, and it would be a great Benefit and Advantage to the Inhabitants of the said Town and Borough if the said Footways were properly paved, and the said Streets, Lanes, and Public Places were cleansed and lighted, and if all Nuisances and Obstructions were removed, and prevented for the future; but the same cannot be effected without the Aid and Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Feoffees or Trustees of the said Town and Borough, and the Vicar of the same Place, for the Time being, and *Daniel Bennett, Robert Clark Paul, John Wood, Anthony Overbury, John Biedermann, William Overbury, George Paul, Jacob Wood, Joseph Overbury, Henry White, Joseph Smith, Samuel Coxe, and John Cook*, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed

Commis-  
sioners.

[Local.]

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pointed



pointed 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 any of the said Commissioners appointed by this Act or to be elected in Manner hereinafter mentioned shall die or remove out of the said Parish of *Tetbury*, or by Writing under his Hand, delivered to the Clerk of the said Commissioners, decline or refuse to act, it shall be lawful for the surviving or continuing Commissioners, or any Seven of them, at a Meeting to be held for that Purpose, by Writing under their Hands, to elect another proper Person inhabiting within the said Town and Borough, to be a Commissioner in the Room of the Commissioner so dying, removing, or declining to act as aforesaid; and every such Commissioner so nominated and appointed shall have the same Powers and Authority for putting the Provisions of this Act into Execution in all respects whatsoever as if he had hereby been nominated a Commissioner.

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 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 Real Estate, within the said Town and Borough or Parish of *Tetbury*, of the clear yearly Value of Ten Pounds over and above all Reprises, or unless such Person shall be rated at Twelve Pounds *per Annum* towards the Rate or Rates for the Relief of the Poor within the said Town and Borough (except in administering the Oath or Affirmation herein-after mentioned) nor until he shall, at some or one of the Meetings to be holden in pursuance of this Act, have taken and subscribed an Oath, or, being one of the People called *Quakers*, made Affirmation, in the Words and to the Effect following:

Commis-  
sioners Oath.

‘ I *A. B.* do swear (or affirm) That I will truly and impartially, according to the best of my Skill and Judgement, execute and perform all and every the Powers and Authorities reposed in me by virtue of an Act passed in the Fifty-seventh 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.’

Which Oath or Affirmation it shall and may be lawful for any One of the said Commissioners to administer, and he is hereby required to administer the same to any other of the said Commissioners; and if any Person shall presume to act as a Commissioner in the Execution of this Act, not being qualified as aforesaid, every such Person 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 at *Westminster*; and every Person so prosecuted, or against whom such Action shall be brought, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof being given on the Part of the Plaintiff than that such Person has acted as a Commissioner in the Execution of this Act.

No Commis-  
sioner to act  
where inte-  
rested, or  
when holding  
any Place of  
Profit.

IV. Provided always, That no Commissioner appointed or to be elected by virtue of this Act shall be capable of acting or voting as such in any Case wherein he shall be personally interested, or during the Time he shall hold any Office of Profit under or be concerned in any Contract made by



virtue of this Act; but that it shall be lawful for such of the said Commissioners who shall be Justices of the Peace of or for the said County of *Gloucester*, to act as Justices in the Execution of this Act within his or their Jurisdiction, notwithstanding his or their being a Commissioner or Commissioners; except in such Cases only where he or they shall be personally interested; and that in all Cases where Cognizance is given by this Act to any Justice or Justices of the Peace, it shall be lawful for such Justice or Justices to administer an Oath to any Person or Persons, for more certain Information in the Matter depending, and also to issue his or their Summons to any Person or Persons who may be deemed a necessary Witness or Witnesses in any Case, thereby requiring him, her, or them to be and appear before such Justice or Justices at the Time and Place to be specified in such Summons; and if any such Witness or Witnesses shall neglect or refuse to attend such Justice or Justices, after having been paid or tendered a reasonable Sum for his, her, or their Attendance, or to give his, her, or their Testimony, he, she, or they shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings.

Justices may administer Oaths and issue out Summonses for Witnesses.

V. And be it further enacted, That the said Commissioners, or any Five or more of them; shall and they are hereby required to meet at the Town Hall in the said Town of *Tetbury*, on the Second *Thursday* next after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten and Twelve o'Clock in the Forenoon, in order to proceed to put this Act in Execution, and shall and may then and from Time to Time afterwards adjourn themselves to meet at the same or at such other Place or Places within the said Town and Borough as they the said Commissioners, or the major Part of them present at such Meeting, shall appoint; 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 *Tetbury* aforesaid, at least Seven clear Days before such Meeting; and that all the Powers and Authorities, by this Act granted to or vested in the said Commissioners, shall and may from Time to Time be exercised by the major Part of the Commissioners present at any Meeting to be holden by virtue of this Act, (the Number of Commissioners present at such Meeting not being less than Five, except as aforesaid, and except any other Number is hereinafter particularly mentioned); and that a Chairman shall and may be appointed at every such Meeting; and in case of an equal Number of Votes upon any Question (including the Chairman's Vote) the Chairman shall have another and the casting Vote; and the said Commissioners shall at all their said Meetings defray their own Expences; and no Act of the said Commissioners, in Execution of the Powers herein vested in them, (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 public Meeting to be holden in pursuance and under the Authority of this Act.

Time and Place of Meeting of Commissioners.

VI. And



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 or alter the same; any Thing in this Act contained to the contrary notwithstanding.

Proceedings  
of Com-  
missioners 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, wherein fair and regular Entries shall be made of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of the Commissioners present at every Meeting, and of the Payment and Application of all Monies directed by this Act to be raised or paid for executing the Purposes thereof, and also of all Contracts to be made with any Person or Persons by virtue or in pursuance of this Act; and the said Commissioners, or such Number of them as are directed to do any Act or take any Proceedings under the Authority herein, shall always subscribe their Names at the End of their Proceedings at every Meeting to be holden 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 received in Evidence in all Courts, and in all Causes, Suits and Actions, and other Proceedings touching any Thing done or to be done in pursuance and by virtue of this Act; and such Books shall at all seasonable Times be open to Inspection, without Fee or Reward, by any of the Householders within the said Town and Borough who shall be charged with and shall contribute to the Assessment made for the Purposes of this Act.

Accounts to  
be kept of  
Receipts and  
Disburse-  
ments, and  
be open for  
Inspection.

VIII. And be it further enacted, That the said Commissioners shall, and they are hereby required from Time to Time to cause to be entered in a Book regular Accounts of the Receipts and Disbursements, and of the several Articles for which such Sums have been disbursed; which Book shall be kept by the Treasurer or Clerk, in order that any of the said Commissioners, or any Person or Persons rated and assessed by the said Commissioners for the Purposes of this Act, may at all seasonable Times have access thereto, and take Copies or Extracts therefrom, without paying any thing for the same; and in case the said Treasurer or Clerk shall refuse to permit such Person or Persons as aforesaid to inspect or take Extracts from such Book of Accounts, he shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Commission-  
ers may ap-  
point  
Officers:

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 hereinafter mentioned, 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



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 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 War-

[Local.]

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Officers to give Security, and account;

On Refusal to render Accounts, Commissioners may sue or a Magistrate give Relief:



For want of Goods to satisfy Distress, Officers may be committed.

rant 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.

Office of Clerk and Treasurer not to be held by the same Person.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending 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 at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance shall be allowed.

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

XI. 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



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.

XII. 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.

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

XIII. 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, when and so often as they shall think proper, to cause, order, and direct all or any of the present or future Footways in the several Streets, Lanes, and other Paths, Passages and Places within the said Town and Borough of *Tetbury*, to be taken up, and properly paved, pitched, repaired, raised, lowered, relaid, widened, narrowed, altered and cleansed, and the said Streets, Lanes, Paths, Passages and Places to be more effectually lighted and cleansed, and the several Encroachments, Obstructions, Nuisances and Annoyances hereinafter specified to be removed and prevented, by such Ways and Means, and in such Manner as they shall think proper; and for that Purpose it shall be lawful for the said Commissioners, or any Five or more of them, if they shall think fit, to contract and agree with any Person or Persons for paving, pitching, repairing and keeping in Repair all or any of the Footways aforesaid, and for lighting and cleansing the said Streets, Lanes, and other Paths, Passages and Places, and for performing any other Work to be done by virtue of this Act; which Contract or Contracts so to be entered into shall be reduced into Writing and signed by the said Commissioners, or any Five or more of them, and by the Person or Persons contracting to perform such Works, and shall specify the Works to be done, and the Prices to be paid for the same, and the Time or Times when such Works shall be performed or completed, and the Penalties to be suffered in case of Non-performance thereof; provided that Ten Days Notice at least be given previously to the Meeting for entering into such Contract, by Writing to be affixed to the principal Doors of the Parish Church within the said Town and

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



and Borough, in which Notice shall be specified the Business to be contracted for at such Meeting, to the End that Persons willing to undertake the same may give in their Proposals for contracting for such Works.

Carriage  
Roads not to  
be included.

XIV. Provided always, and it is hereby enacted and declared, That nothing in this Act contained shall extend, or be construed, deemed, or taken to extend, to take away the Right of Repair, or vary or alter the Mode or Manner of repairing and amending the Main Highways or Carriage Roads within the said Town and Borough of *Tetbury*, as already vested or to be vested in the Trustees of the several and respective Turnpike Roads in the said Town and Borough, or of any other Person or Persons whomsoever liable to repair the same.

Power to pro-  
vide Lamps,  
and Provi-  
sions against  
any Injury  
thereof.

XV. And be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, to purchase so many Glass Lamps, Lamp Posts, Lamp Irons and Stands, as to them shall seem necessary for lighting the said Streets, Lanes, and Public Passages and Places, and to fix and place the said Lamps, Lamp Posts, and Lamp Irons, or any of them, upon or against the Ground adjoining to or against the Walls or Palisadoes of any of the Houses, Tenements, or Buildings now erected and built or hereafter to be erected and built within the said Town and Borough, or in such other Manner as they shall think proper and convenient, and also to cause such Lamps to be lighted at such Time or Times and be kept lighted for so long a Time as they shall think proper; and if any Person or Persons shall wilfully break, throw down, take away, spoil or damage any of the Lamps that shall be put up by virtue of this Act, or any of the Irons, Posts, or other Furniture thereof, or wilfully extinguish the Light within any such Lamps, or shall damage any of the Pavements or other Works hereby intended to be performed, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, nor less than Ten Shillings, whereof One Moiety shall go to the Informer, and the other Moiety to the said Commissioners, to be applied for the Purposes of this Act; and such Offender or Offenders shall also pay to the said Commissioners such Sum of Money as shall be a full Satisfaction for the Damage done by him, her or them, the Amount of such Satisfaction to be assessed and awarded in the Manner hereinafter provided concerning the Satisfaction to be made for accidental Injury; and in case any Person shall carelessly, negligently or accidentally break, throw down, or otherwise spoil or damage any of the said Lamps, or the Irons, Posts, or other Furniture thereof, and shall not upon Demand make Satisfaction for the Damage done thereto, then and in such Case it shall be lawful for any Justice of the Peace for the said County of *Gloucester*, upon Proof thereof made by the Oath of any credible Witness, or on the Confession of the Party, to award 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, which shall be thereupon recovered in the Manner in which Penalties and Forfeitures by this Act are hereinafter directed to be recovered.

Surveyors to  
inspect the  
Works.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby directed to cause the Works to be done, in pursuance of such Contracts as aforesaid, to be inspected by their Surveyor or Surveyors, or by such other Person or Persons as they shall  
from



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 and completed at or within the Time or Times to be by such Contract or Contracts limited for completing the same, the said Commissioners shall and may, in the Name of any One of them, or of their Treasurer, bring an Action or Actions in any of His Majesty's Courts of Record at *Westminster*, against any Person or Persons so contracting and neglecting to perform such Contract or Contracts, for any Penalty or Damage which shall be contained in such Contract or Contracts, or suffered or sustained on account of the Non-performance thereof; and upon Proof of the signing of the Contract or Contracts, and the Non-performance thereof, the Plaintiff shall be entitled to, and shall recover such Penalty or Damage, with Costs of Suit; and such Penalty or Damage, when recovered, shall be applied to and for the Purposes of this Act.

Contractor  
may be sued.

XVII. And in order that the Streets, Lanes, and other Public Passages and Places within the said Town and Borough may be properly paved, cleansed, lighted and widened, be it further enacted, That the Property of and in all the Pavements in the Footways within the said several Streets, Lanes, and other Public Passages and Places within the said Town and Borough, and of and in all Lamps, Lamp Irons, Posts, Railing, and all other 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 Ashes, Cinders, Dirt and Rubbish to be taken and carried away from the Houses in the said Streets, Lanes and Places, and also all future Pavements in the said Footways within the said several Streets, Lanes, and other Public Passages and Places within the said Town and Borough, 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 in the Name of any One of them, or in the Name or Names of their Treasurer or Treasurers, or to prefer or order and direct the preferring of any Bill or Bills of Indictment, as the Case shall require, against any Person or Persons whomsoever who shall take, carry away, detain, spoil, injure or destroy 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 aforesaid Purposes of this Act, all or any Part of the old Pavement, Public Posts, Railing or other Materials, and such Soil, Dung, Manure, Dirt, Ashes, Cinders and Rubbish as aforesaid; and in all such Actions, Bills of Indictment, or other Proceedings, it shall be sufficient to state generally that the said Pavements, Lamps, Lamp Irons, Posts, and other Materials and Things herein vested in the said Commissioners, are the Property of the Commissioners for paving and lighting the Town and Borough of *Tetbury*, without naming all or any of the said Commissioners.

Property of  
Pavements,  
&c. vested in  
Commis-  
sioners.

XVIII. And be it further enacted, That the Scavenger or Person or Persons employed or contracting for cleansing the said Streets, Lanes and Public Places shall once in every Week, or oftener if the said Commissioners shall so direct, and on such Days as they shall appoint, bring or cause to be brought some proper Cart or other Carriage into the said several Streets, Lanes and Places where such Carts or Carriages can pass, and shall at or

Scavenger's  
Duty.

[Local.]

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before



before his or their Approach, by Sound of Bell or otherwise, give Notice to the Inhabitants of his or their coming, and give the like Notice in such Parts of the said several Streets, Lanes and Places in which such Carts and Carriages cannot pass, and shall abide and stay a convenient Time in or near the said Places respectively, to the Intent that all Persons concerned may bring forth their Dirt, Dust, Ashes and Filth (except any Filth from any Privy or Necessary House) to the Doors of their respective Houses and Premises, from whence the said Scavenger or other Person or Persons aforesaid shall take and put the same into such Cart or Carriage, and shall also sweep, cleanse, and carry away the Dirt and Soil arising in the said Streets, Lanes and Places, upon Pain of forfeiting and paying Ten Shillings for every Offence or Neglect therein; and every Person acting as Scavenger for the Time being shall cause the Words "Scavenger Cart" to be painted in large Roman Letters on the Fronts or other conspicuous Parts of all such Carts or Carriages.

Inhabitants  
to sweep the  
Pavement  
before their  
Doors.

XIX. Provided always, and be it further enacted, That from and after the passing of this Act all Persons occupying Houses or Tenements within the said Town and Borough shall cause to be swept and cleansed the Foot Paths or Ways in the whole length in the Front of and extending Five Feet from their respective Houses or Tenements, between the Hours of Six and Ten of the Clock in the Forenoon, twice at the least in every Week, and shall also cause the Dirt or Soil arising from such sweeping and cleansing to be collected and put together (without obstructing the Way or Road) in order that the same may be ready for the loading and taking away by the Scavenger or other Person or Persons employed in cleansing the said Streets, Lanes, Passages and Places, 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  
the Scaven-  
ger.

XX. And be it further enacted, That no Person shall take or carry away any Ashes, Dust, Dirt, Muck, or Manure out of any of the said Streets, Lanes or Public Places, other than the Person contracting or to be appointed for such Purpose by the said Commissioners as aforesaid, upon Pain of forfeiting and paying any Sum not exceeding Forty Shillings for every such Offence.

Persons may  
keep for their  
own Use  
Ashes, &c.  
unless so as to  
become a  
Nuisance,

XXI. Provided always, That nothing herein contained shall extend, or be construed to extend, to prevent any of the Inhabitants of the said Town and Borough from preserving and keeping any Ashes, Dust, Dirt, Muck or Manure, Filth or Rubbish, within their Houses, Yards or Gardens, or otherwise disposing of the same for their own Use and Benefit, so as such Ashes, Dust, Dirt, Muck or Manure, Filth or Rubbish, be not laid down or placed in any of the Streets, Lanes, or Places for any longer Time than shall be necessary for the loading or carrying away the same, or suffered to annoy any of the Inhabitants of the said Town and Borough; but in case any Person so reserving such Ashes, Dust, Dirt, Muck or Manure, Filth or Rubbish, shall thereby annoy any of the Inhabitants, and shall not remove the same within the Space of one Day after Notice in Writing given to him or her under the Hands of the said Commissioners, or any Three or more of them, although not assembled at a Meeting, or left at such Person's Dwelling House, to remove the same, such Person shall forfeit and pay any Sum not exceeding Five Shillings a Day for every Day such Annoyance shall be permitted to remain after such Notice given or left as aforesaid.

XXII. Provided



XXII. 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, or Public 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 convenient Room left for Carriages to pass and repass, and a sufficient Way kept clear for Foot Passengers, by the Person or Persons laying or occasioning to be laid such Rubbish or Mortar; and in case the Owner or Occupier of such House or Tenement, before which such Rubbish or Mortar shall lie, shall cause the same to be removed out of such Street, Lane, Passage or Place at his or her own 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 afterwards given to him or her, or left at such House or Tenement for that Purpose, in Writing, signed by the said Commissioners, or any Three or more of them; and in case such Owner or Occupier shall (while such Rubbish or Mortar shall be lying in such Streets, Lanes, or Places) set up and maintain sufficient Light, or use other sufficient Precautions, during the Night Time, to prevent any Mischief happening to Passengers or Cattle.

Penalty in last Clause not to extend to Rubbish occasioned by erecting or repairing Buildings.

XXIII. And be it further enacted, That no Necessary House or Bog House in the said Town and Borough shall be emptied at any other Time than between the Hours of Eleven of the Clock at Night and Four in the Morning; and the Soil thereof shall be removed at least one Quarter of a Mile without the said Town and Borough, or otherwise shall be laid in such Places as shall be appointed for that Purpose by the said Commissioners, and no other; and if any Person or Persons shall empty such Necessary House or Bog House at any other Time, or shall lay the Soil thereof in any other Place than as aforesaid, then and in every such Case all such Persons committing or causing such Offence to be committed shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and if any Person or Persons shall wilfully or negligently spill any of the Soil of any Necessary House or Bog House in any of the Streets, Lanes, Passages or Places, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Three Pounds.

Regulations touching the emptying of Bog Houses.

XXIV. 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, Truck or Carriage, or shall roll any Cask for the Space of Ten Yards, or wilfully ride, drive, or lead any Horse or other Beast or Cattle, on any of the Footways, or on the Pavement in the Market House; or shall kill, slaughter, burn, singe, scald or dress, or cut up any Beast, Swine, Calf, Sheep, Lamb or other Cattle in any open or Public Street, Lane, or other Public Place, within the said Town or Borough; or if any Person shall hoop, cleanse, or scald any Cask, or hew or saw or cause to be hewed or sawed any Stone, Wood or Timber, or shoe, bleed or dress, or turn or drive loose any Horse in any of the said Streets, Lanes, Passages or Places; or shall set, place, or expose to Sale, or cause, permit, or suffer to be set, placed, or exposed to Sale, any Goods, Wares or Merchandizes, either on the Footways or Carriageways of any of the said Streets, Lanes or Public Places; or hang up or expose to sale any Goods, Wares or Merchandizes,

Penalty on causing Annoyances in the Streets.



chandizes, or any other Matter or Thing (except on Market or Fair Days) or otherwise exercise their Trade, in such Manner as to obstruct or incommode the Passage of any Footway or Carriageway; or shall make or assist in the making any Fire or Fires called Bonfires, or shall set fire to, let off, or throw any Squib, Serpent, Rocket, Cracker, or Fire-Work whatsoever within the said Town and Borough; or play at Foot-ball or any other Game within any of the Streets, Lanes, or Passages within the said Town and Borough, every Person offending in any of such Cases shall for every such Offence 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.

Penalties  
upon other  
Acts of  
Nuisance and  
Annoyance.

XXV. And be it further enacted, That if any Waggon, Cart, Dray, or other Carriages shall be left to stand or remain in any Public Street, Lane, or Place within the said Town and Borough, with or without Horses or other Cattle, for any Time longer than shall be necessary for the loading or unloading thereof, or during such Time shall not be standing as near to the Side of the said Street, Lane, or Place as conveniently may be; or if any Stage Coach, Post Chaise, or other Carriage let to Hire, shall be left to stand or remain in any of the Public Streets, Lanes, or other Passages or Places aforesaid, with or without Horses, for any longer Time than shall be necessary for the taking up or setting down the Passengers, and for loading or unloading their Baggage; or if any Horse, Swine, Beast, or other Cattle shall be permitted to wander or to be in or about any of the said Streets, Lanes or Public Places; or if any Timber, Brick, Stones, Slabs, Hay, Straw, Wood, Faggots, Flakes, Hurdles, Coals, Boards, Tubs, Goods, Wares, Merchandizes, or other Materials or Things whatsoever, shall be laid or placed and left to remain in any of the Streets, Lanes, or other Public Places for any longer Time than shall be necessary for moving and housing the same (except for building, rebuilding, taking down, or repairing any House or Tenement); or if any Coals, Coal Ashes, Wood Ashes, Rubbish, Dust, Dirt, Dung, Filth, or any other Nuisance or Annoyance whatsoever, shall be thrown, cast, or laid in any of the said Streets, Lanes, or other Public Places aforesaid, then and in every such Case the Owner or Driver of every such Waggon, Cart, Dray, Chaise, Coach or other Carriage, and the Owner of any such Horse, Swine or other Cattle, which shall be permitted to wander about any of the said Streets, Lanes and Public Places, or of any such Bricks, Goods, Wares, Merchandizes, Materials, or other Things which shall be left or suffered to remain in any of the said Streets, Lanes, or Public Places, and the Person or Persons who shall so throw, cast, or lay, or cause to be thrown, cast or laid, any Coals, Coal Ashes, Wood Ashes, Rubbish, Dust, Dirt, Dung, Filth, or other Annoyance whatsoever in any of the said Streets, Lanes, or Public Places, shall for every Offence in any of such Cases forfeit and pay any Sum not exceeding Twenty Shillings.

Provision as  
to particular  
Nuisances.

XXVI. And be it further enacted, That in case any Hogstye, Necessary House, or any other noisome Building or Matter whatsoever, in or near any of the said Streets, Lanes, or Public Places within the said Town and Borough, shall be a Nuisance to any of the Inhabitants or other Person or Persons, the same shall be deemed a Nuisance and an Offence against this Act, and it shall and may be lawful for the said Commissioners, or any Three or more of them, upon Complaint thereof to them made by any such Inhabitants



bitants or other Person or Persons, by Notice in Writing under the Hands of the said Commissioners, or any Three or more of them, or under the Hand of any Clerk appointed by them for the Time being, to order any such Nuisance or Offence to be removed; and in case the same shall not be removed within Seven Days after such Notice given to the Person or Persons who ought to remove the same, such Person or Persons shall forfeit and pay any Sum not exceeding Five Shillings daily for every Day that the same shall continue unremoved after the Expiration of the said Term.

XXVII. And be it further enacted, That the said Commissioners or any Five or more of them, at any Meeting, shall and may at any Time cause Notice to be given to the respective Owners or Occupiers of the several Houses or Buildings within the said Town and Borough to take down, fill up, remove, alter, or regulate the Gutters, Shew Boards, Sign Posts, or Sign Irons standing or being in, upon, or over any of the Footways or Horseways aforesaid, and all Penthouses, Bow Windows or Projecting Windows, Shutes and Spouts, projecting into or upon any of the said Streets, Lanes and Public Places, however broad or narrow the said Streets, Lanes, and Public Places may be, and all Porches, Posts, Pales, and Rails standing or being in any of the said Streets, Lanes and Public Places; and to cause all Shew Boards, Sign Posts, Sign Irons, Penthouses, Projecting Windows, Bow Windows and Shutes, Spouts, Porches, Posts, Pales and Rails to be carried away, felled, taken down, and removed, or to cause all such Shew Boards, Signs and Sign Irons to be fixed and placed to the Front of the Houses, Shops, Warehouses, or Buildings whereunto they respectively belong, and not to stand or to project over any Part of the Footways as aforesaid; and to cause all such Spouts and Shutes to be also affixed to the Fronts of the Houses or Buildings to which they respectively belong, so as to convey the Water down the Side of such Houses or Buildings, and so into the Common Channel or Drain; and to cause all Shops and Doors opening in or leading from any of the Footways into Houses, Shops, Vaults or Cellars to be removed or altered, so that the same may not incommode or be dangerous to Passengers; and in case the respective Owner or Occupier shall refuse or neglect so to do during the Space of Twenty-eight Days next after such Notice shall be given to him or them respectively (which Notice shall be given in Writing under the Hands of the said Commissioners, or any Five or more of them, and delivered or left at the Dwelling House or usual Place of Abode of such Owner or Occupier) it shall and may be lawful to and for the said Commissioners, or any Five or more of them, at any Public Meeting, to cause such Gutters, Shew Boards, Signs, Sign Posts, Bow Windows and Projecting Windows, Shutes, Spouts, Rails and Pales to be taken down, carried away, removed, altered, regulated and fixed in Manner aforesaid, and shall return or cause to be returned to their respective Owners, or left on the Spot, or as near as conveniently may be for such Owner or Owners, so much of such Shew Boards, Signs, Sign Posts, Sign Irons, Penthouses, Bow Windows, Projecting Windows, Porches, Shutes, Spouts, Posts, Pales and Rails aforesaid, as shall not be affixed to, put up or otherwise made use of in the Alterations directed by this Act; and the Charges and Expences attending the same shall and may be recovered of the Owners or Occupiers thereof respectively, in the same Manner as the Penalties or Forfeitures imposed by this Act are directed to

Commis-  
sioners may  
alter and re-  
move Gut-  
ters, Signs,  
&c.

[Local.]

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be



be recovered; and if any Person or Persons shall, at any Time or Times, after the passing of this Act, hang, place, erect, build or make any Gutter, Shew Board, Sign, Sign Post, Sign Iron, Penthouse, Bow Window or Projecting Window, Shute, Spout, Porch, Posts, Pales and Rails, or other Encroachment, Nuisance or Annoyance whatsoever, or cause the same to be done contrary to the Directions of this Act, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, and the further Sum of Five Shillings for every Day such Offence shall continue, after due Notice given to him or them to remove the same; and it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to order the same to be taken down, removed, carried away, altered or regulated, in such Manner as they or any Five or more of them shall think proper, without giving any Notice to the Person offending therein, and the Person or Persons so ordered shall and may take down, carry away, alter or regulate the same accordingly, and the Charges and Expences attending the same shall and may be recovered in Manner hereinafter directed from the Person or Persons so offending therein.

Commis-  
sioners may  
make new  
Gutters,  
Drains, &c.  
or alter old  
ones.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to cause any new Gutters, Sinks, Drains or Watercourses to be cut or made in, through or under any of the said Streets, Lanes and Public Places, and also to cause any of the Gutters, Sinks, Drains and Watercourses already made therein to be opened and enlarged, and the Course thereof altered or changed, in such Manner as they shall think necessary, and to make and carry the same through any adjoining Lands or Grounds, making a fair Satisfaction for the Damage done thereby; and the said Commissioners may and they are hereby authorized and empowered to dig, gather, take and carry away any Stones, Gravel, Sand, or other Materials from any of the Waste Lands near the Town and Borough of *Tetbury* aforesaid, for the Purpose of paving, pitching, repairing or amending the said Footways, without paying any thing for the same.

Houses, to be  
built or new-  
fronted, to  
rise perpen-  
dicularly.

XXIX. And be it further enacted, That all Houses and Buildings hereafter to be built or new-fronted in the said Streets, Lanes, Passages and Places shall be made to rise perpendicularly from the Foundation thereof; and if any Person or Persons shall at any Time build or new-front any House or other Building within the said Town and Borough, or cause the same to be done, otherwise than rising perpendicularly from the Foundation, it shall be lawful for the said Commissioners, or any Five or more of them, by Writing under their Hands, to cause the Front of such House or other Building to be pulled down and removed by such Person or Persons as they shall direct and appoint; and the Costs and Charges thereof shall be paid and reimbursed to the said Commissioners by the Owner or Owners of such Houses or Buildings; and in default of such Payment thereof upon Demand, the same may be recovered in like Manner as other Penalties or Forfeitures are by this Act authorized to be recovered.

Power to levy  
a Rate.

XXX. And be it further enacted, That towards the defraying the Expences of executing the Purposes of this Act, and of obtaining and passing the same, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, and they are hereby fully authorized and empowered,



from Time to Time, as Occasion may require, to make and settle an equal Pound Rate or Assessment from the Poor-Rate Book, upon all and every the Occupiers of Houses or Tenements, Workshops, Warehouses, or other Buildings within the said Town or Borough, which said Rate or Assessment hereby directed to be made shall be signed and confirmed by the said Commissioners; and after being so made and confirmed, the same shall be collected and received by the Surveyor or such other Person or Persons within Thirty Days after the Date thereof, and in such Manner as the said Commissioners shall order and direct, and the Money thereby raised shall be paid into the Hands of their Treasurer, to be applied in defraying the Expences of executing this Act; provided nevertheless, that the aforesaid Assessment shall not in any One Year exceed the Rate of Sixpence in the Pound on the Yearly Value of the Houses or Tenements, Workshops, Warehouses or Buildings so to be assessed; and in case any Person or Persons shall refuse or neglect to pay the Sum or Sums assessed upon him, her or them by any Assessment to be made in pursuance of this Act, within Ten Days after Demand thereof made, the same shall and may be levied by the Surveyor, Constable of the Parish, or any other Person or Persons authorized by Warrant under the Hand and Seal of One of His Majesty's Justices of the Peace for the said County of *Gloucester*, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, rendering the Overplus to the Owner or Owners thereof (the necessary Charges of making such Distress and Sale being first deducted); and in case sufficient Distress cannot be found within the said County, then upon Oath thereof made before any One or more Justice or Justices of the Peace for any other Liberty, County, City or Place (which Oath shall be certified under the Hand or Hands of the said Justice or Justices by Indorsement on the Warrant made for such Distress) the Goods and Chattels of the said Person or Persons so refusing or neglecting to pay shall be subject and liable to such Distress in such other County, City, Liberty or Place where the same shall be found, and may by virtue of such Warrant and Certificate be distrained and sold in the same Manner as if the same had been found within the said Town and Borough of *Tetbury*.

XXXI. Provided always, That it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby empowered, at any Meeting, upon the Complaint of any Person or Persons subject to the Payment of any Rate or Assessment, who shall think himself, herself, or themselves aggrieved thereby, to mitigate, reduce, or lessen the same, as they in their Discretion shall think just and reasonable, and also to remit or excuse the Payment thereof, for or on account of the Poverty or Indigence or Inability to pay of any Person or Persons.

Commis-  
sioners may  
mitigate the  
Rates.

XXXII. 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 and Borough, 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 and occupying such Premises, shall be liable to pay such Rate or Assessment in proportion to the Time each Person occupied the same respectively, which said Proportion shall be settled and ascertained by the said Commissioners, in case the said Parties cannot agree upon the same.

How Rates  
are to be paid  
where Te-  
nants occupy  
only Part of a  
Year.

XXXIII. And



Application  
of Monies.

XXXIII. And be it further enacted, That all the Monies to arise, be collected, or received by, from, under or in pursuance of the Rates or Assessments, and also all other Money which shall come to the Hands, Custody, or Power of the said Commissioners by virtue of this Act, or for the Purposes thereof, shall be applied in the first Place, and in preference to all other Payments whatsoever, towards defraying all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, and the Remainder of such Monies shall from Time to Time be applied and disposed of in defraying the necessary Costs, Charges, and Expences of carrying this Act and the several Powers hereby granted into Execution, and to and for no other Use or Purpose whatsoever.

Recovery and  
Application  
of Penalties.

XXXIV. And be it further enacted, That all Penalties and Forfeitures, Damages and Recompences, by this Act imposed and incurred (for the Recovery and Application whereof no particular Method is directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender and Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of Gloucester (which Warrant such Justice is hereby empowered and required to issue) upon the Information of One credible Witness upon Oath (which Oath such Justice is hereby required to administer without Fee or Reward); and the Surplus (if any) of the Money arising by such Distress and Sale, after answering the Penalty or Forfeiture, Damages or Recompence, shall be rendered upon Demand to the Person or Persons whose Goods and Chattels shall be so distrained and sold, the Charges of such Distress and Sale being first deducted; and in case sufficient Distress cannot be found, then it shall be lawful for such Justice to commit the Party or Parties liable to the Payment of such Penalty or Forfeiture, Damages or Recompence, to the Common Gaol of the said County, there to remain without Bail or Mainprize, to be kept to hard Labour for any Time not exceeding Two Calendar Months, unless such Penalty or Forfeiture, Damages or Recompence, and all Costs and Charges attending the same, shall be sooner paid; and all such Penalties and Forfeitures, Damages and Recompence, when recovered, shall, unless otherwise disposed of by virtue of this Act, be paid to the Treasurer or to the said Commissioners, and shall be applied and disposed of in carrying this Act into Execution; and that in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever relating to or concerning the Execution of this Act, any Inhabitant of the said Town and Borough shall be admitted to give Evidence.

Commis-  
sioners may  
sue and be  
sued in the  
Name of their  
Treasurer.

XXXV. And be it further enacted, That the said Commissioners shall and may sue and be sued in the Name or Names of their Treasurer or Treasurers, and that no Action to be brought by or against the said Commissioners, or any of them, by virtue of this Act, in the Name or Names of their Treasurer or Treasurers, shall abate or be discontinued by the Death or Removal of any such Treasurer or Treasurers, but the Treasurer or Treasurers for the Time being to the said Commissioners shall be deemed the Plaintiff or Plaintiffs, Defendant or Defendants, in such Action, as the Case shall be.

Commis-  
sioners not to  
be personally  
answerable.

XXXVI. 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



vate Capacity ; nor shall any of the said Commissioners personally, or their respective Estates, be answerable for or subject to the Payment of any of the Sums expressed in any Contract ; and that all 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 any Action, Prosecution, or Appeal to be brought by or against them or any of them touching the Execution of this Act, shall be borne and defrayed out of the Money which shall come to the Hands of the Treasurer or Treasurers to the said Commissioners, or any other Person, by virtue of this Act.

XXXVII. And be it further enacted, That, for the more easy and speedy Conviction of Offenders against this Act, all and every the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this 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 same Effect, as the Case shall happen ; (that is to say),

For the Conviction of Offenders :

‘ County of } BE it remembered, That on the Day of in  
 ‘            } the Year of our Lord            A. B. is convicted  
 ‘ before me, C. D. one of His Majesty’s Justices of the Peace for the  
 ‘ County of            [specifying the Offence, and the Time and Place when  
 ‘ and where committed.]  
 ‘ Given under my Hand and Seal, the Day and Year first above  
 ‘ mentioned.’

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 Proceedings to be had touching any Offender or Offenders against this Act shall be quashed, vacated, or discharged for want of Form only.

Proceedings not to be quashed for want of Form.

XXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners to reward any Informer or Informers as they shall think proper, so as such Reward does not exceed a Moiety of the Penalty and Forfeiture arising from the Information of such Informer or Informers ; any Thing herein contained to the contrary notwithstanding.

Commissioners may reward Informers.

XXXIX. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing to be done in pursuance of this Act, and for which no particular Method of Relief is herein appointed, such Person may within Three Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden for the said County of Gloucester, such Appellant first giving or causing to be given Twelve Days Notice at least in Writing of his Intention to bring such Appeal, and the Matter thereof, to the said Commissioners at some or one of their Meetings to be holden in pursuance of this Act, or to the Treasurer or Treasurers of the said Commissioners, and within Three Days after such Notice enter into Recognizance before some Justice of the Peace for the said County of Gloucester, with Two sufficient Securities conditioned to try such Appeal at and abide by 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 of the entering into such Recognizance as aforesaid, shall hear and

Appeal.

[Local.]

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finally



finally 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, final, and conclusive to all Intents and Purposes.

Persons distraining not to be deemed Trespassers for Defect in Proceedings.

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

No Plaintiff to recover after Tender of Amends.

XLI. Provided always, That no Plaintiff shall recover in any Action for such Irregularity, Trespass, or other Proceedings, 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 Proceedings 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 Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Proceedings not to be removed by Certiorari.

XLII. Provided also, That no Proceedings 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, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary notwithstanding.

Limitation of Actions.

XLIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, 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 Treasurer or Treasurers 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 Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial that shall be had thereupon, and that the Matter or Thing for which such Action or Suit shall be brought was done in pursuance and by the 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 given thereof 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 Suit shall become Nonsuited, or suffer a Discontinuation 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 or their Costs in any other Cases of Law.

XLIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to enable or empower the said Commissioners or any of them, or their Surveyor, Scavenger, or other Person acting under them, to alter or change all or any of the usual Places of keeping or holding the Fairs or Markets within the said Town and Borough, nor to prevent the Lords of the Manor of *Tetbury* aforesaid, their Heirs or Assigns, or any other Person or Persons, from having or taking any legal Remedy against any Person or Persons for any Encroachments or Nuisances that are or shall be made within the said Town or Borough, or for any of the Annoyances or Obstructions hereinbefore authorized to be avoided and prevented, or in any other Manner to prejudice, lessen, or defeat any legal Power, Privilege, Franchise, or Authority of the said Lords, or any of the Juries of Officers of their Courts or Leets within the said Town and Borough (save only the Power and Authority of preventing or hindering in any respect the Execution of this Act, or of punishing any Person or Persons who shall have been before punished by the Authority of this Act for the same Offence); but that the said Lords, their Heirs and Assigns, and Officers respectively, shall and may exercise and enjoy all and every such Powers, Privileges, Franchises, and Authorities (save as aforesaid) in as full and ample a Manner to all Intents and Purposes as they have heretofore respectively used to do, and of Right could or might have done in case this Act had not been passed.

Saving the Rights of the Lords of the Manor of *Tetbury*.

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

Public Act.



