



ANNO TRICESIMO OCTAVO

GEORGI II. REGIS.

Cap. 59.

An Act for paving the Footways, and for cleansing, lighting, and regulating the Streets, and other publick Passages and Places, within the Borough of *Malmesbury*, in the County of *Wilts*, and the Avenues leading into the same; and for removing and preventing, Nuisances, Annoyances, and Obstructions therein. [21st June 1798.]

WHEREAS the Footways of the several Streets, Lanes, and other publick Passages and Places, within the Borough of *Malmesbury*, in the County of *Wilts*, and the Avenues leading into the same, are not properly paved, pitched, cleansed, and lighted, and are subject to various Incroachments, Obstructions, Nuisances, and Annoyances, and it would be a great Benefit, Safety, and Convenience, as well to the Inhabitants of the said Borough, as to all Persons resorting to and travelling through the same, if the said Footways were properly paved, pitched, and repaired, and the said Streets, Lanes, and publick Passages were cleansed, regulated, and more effectually lighted, and if all Incroachments, Obstructions, Nuisances, and Annoyances were removed, and prevented for the future; but the several useful and necessary Purposes aforesaid cannot be effected without the Aid and Authority of Parliament; may it therefore please Your Majesty that it may be enacted; [Loc. & Per.] 9 F and

Preamble.

Commission-
ers.

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 High Steward and Alderman of the said Borough for the Time being, the Vicar of the Vicarage of *Saint Paul Malmesbury*, for the Time being, *George Searle Bayliffe*, *Charles Westley Cox*, *Richard Carter*, *Giles Canter*, *John Dorman*, *John Evans Clerk*, *Thomas Estcourt*, *Thomas Grimstone Estcourt*, *George Garlick*, *John Garlick*, *Francis Hill*, *John Handy*, *John Hanks Shopkeeper*, *John Jefferies*, *Peter Marvey Lovell*, *John Lovell Clerk*, *John Samwell Ody*, *Samwell Ody*, *John Ogle*, *Richard Bunter Robins*, *Richard Robins*, *Thomas Roberts*, *John Smith*, *Daniel Smith*, *William Skey*, and *Edward Waits*, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Commissioners for putting this Act in Execution; and when any of the said Commissioners appointed by this Act, or to be elected in Manner herein-after mentioned, shall die, remove, 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 remaining Commissioners, by Writing under their Hands, to elect One other Person inhabiting within the said Borough, or usually residing within the Distance of Five Miles thereof, to be a Commissioner in the Room of the Commissioner so dying, removing, declining, or refusing to act as aforesaid; and every Person so elected shall be a Commissioner for putting this Act in Execution, and have the like Powers and Authorities as the Commissioner in whose Place he shall succeed had, or was by this Act invested with.

Election of
new Commis-
sioners.

Qualification.

II. Provided always, and be it further enacted, That no Person (other than the High Steward for the Time being, and also the said *George Searle Bayliffe*, *Charles Westley Cox*, *Richard Carter*, *Thomas Estcourt*, *Thomas Grimstone Estcourt*, and *John Lovell Clerk*, and such Persons as shall be hereafter elected in their Places respectively only) shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall then be seized in his own Right, or in the Right of his Wife, and be in the actual Possession or Receipt of the Rents and Profits of a Real Estate in Law or Equity, within the said Borough, or the Parishes of *Saint Paul Malmesbury*, *The Abbey Malmesbury*, and *Saint Mary Westport*, or One of them, of the clear yearly Value of Ten Pounds above Reprizes, 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 Borough and Parishes, or One of them, and shall have paid the said Poor's Rates and Arrears thereof charged upon him; nor shall any Person be capable of acting as a Commissioner in the Execution of this Act, until he shall have taken and subscribed the following Oath; (that is to say),

Commission-
ers Oath.

‘ I, *A. B.* do swear, That I will truly and Impartially, according to the best of my Skill and Judgement, execute and perform all and every the Powers and Authorities reposed in me by virtue of an Act, passed in the Thirty-eighth Year of the Reign of His Majesty King George the Third, intialed, [*Here set forth the Title of this Act.*]

‘ So help me GOD.’

Which Oath 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 (except as before ex-
cepted,

cepted, and also except in first administering the said Oath), shall presume to act in the Trust, not being qualified as aforesaid, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, and the 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 given on the Part of the Plaintiff, than that such Person has acted as a Commissioner in the Execution of this Act.

III. Provided further, 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 or enjoy 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 Borough of *Malmesbury* or County of *Wilts*, 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 they are respectively concerned in Interest; 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, 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.

IV. And be it further enacted, That the said Commissioners shall meet at *The White Lion Inn*, in the said Borough of *Malmesbury*, on the Second *Thursday* next after the passing of this Act, or within Twenty Days after, and proceed to put this Act in Execution, and shall then, and from Time to Time afterwards, adjourn themselves, to meet at the same, or at such other Place or Places within the said 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 another Day, (Two Commissioners being always to be deemed sufficient for the Purpose of Adjournment), or if they shall at any Time neglect or refuse to adjourn, or upon any emergent Business, an occasional Meeting shall be necessary, then and in every such Case their Clerk, or any Three or more of the said Commissioners, shall and may call a Meeting at the Place where the last Meeting was held, or was appointed to be holden, publick Notice thereof being given, by affixing the same on the principal Doors of the several Churches of *The Abbey Malmesbury* and *Saint Mary Westport*, at least Seven Days before such Meeting; and at all Meetings to be held in pursuance of this Act, the Commissioners shall defray their own Expences; and no Act of the said Commissioners, except that of Adjournment, or calling a Meeting as aforesaid, (or except

No Commissioner to act where interested, or when holding any Place of Profit.

Justices may administer Oaths, and issue Summons for Witnesses.

Commissioners first and other Meetings.

Adjournments.

No Act valid but at a Meeting, in

Chairman to
be appointed.
Casting Vote.

in such Cafes as are herein exprefsly provided for), fhall be valid, unlefs made or done at fome publick Meeting held by virtue of this Act; and that all the Powers and Authorities by this Act granted, or vefted in the faid Commiffioners, fhall and may from Time to Time be exercifed by the major Part of the Commiffioners prefent at any Meeting to be holden by virtue of this Act, (the Number of Commiffioners prefent at fuch Meeting not being lefs than Five, except any other Number is herein particularly mentioned); and that a Chairman fhall and may in the Firft Place be appointed at every fuch Meeting; and in cafe of an equal Number of Votes upon any Occafion, (including the Chairman's Vote), the Chairman fhall have the cafting Vote.

Manner of
revoking
Orders.

V. And be it further enacted, That no Order made by the faid Commiffioners, at any of their Meetings, fhall be revoked or altered, unlefs at fome Meeting to be held for that Purpose, (of which Ten Days Notice fhall be given in Writing on the Church Doors as aforefaid, therein expreffing the Occafion of fuch Meeting), and alfo unlefs Nine Commiffioners fhall attend at fuch Meeting, and Two Thirds of them at the leaft fhall agree to revoke or alter the fame; any Thing in this Act contained to the contrary notwithstanding.

For paving,
pitching,
cleanfing,
and more
effectually
lighting the
Borough.

VI. And be it further enacted, That it fhall be lawful for the faid Commiffioners, and they are hereby authorized and empowered, from Time to Time, when and fo often as they fhall think proper, to caufe, order, and direct, all or any of the prefent or future Footways in the feveral Streets, Lanes, and other publick Paffages and Places, within the faid Borough of *Malmefbury*, and the refpective Avenues leading into the fame, to be taken up, and properly paved, pitched, repaired, raifed, lowered, widened, narrowed, altered, and cleanfed, and the faid Streets, Lanes, Paffages, and Places, to be more effectually lighted, and the feveral Incroachments, Obftructions, Nuiſances, and Annoyances herein-after ſpecified, to be removed and prevented by fuch Ways and Means, and in fuch Manner as they fhall think proper; and for that Purpose it fhall be lawful for the faid Commiffioners, if they fhall 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 aforefaid, and for cleanfing and lighting the faid Streets, Lanes, and other publick Paffages and Places, and for performing any other Work to be done by virtue of this Act, in fuch Manner, and under fuch Penalties for the due Performance of fuch Contracts, as the faid Commiffioners fhall think proper, giving Ten Days Notice in Writing, to be affixed upon the Market Crofs, or on the principal Doors of the faid feveral Churches, of their Intention of entering into fuch Contract, in order that any Perſon or Perſons willing to undertake the fame, may make Propofals to the faid Commiffioners at the Time and Place to be mentioned in fuch Notice; and that it fhall be lawful for the faid Commiffioners to purchafe ſo many Glaſs Lamps, Lamp Poſts, Lamp Irons, and Stands, as to them fhall ſeem neceſſary for lighting the faid Streets, Lanes, and publick Paffages, and to fix and place the faid Lamps, Lamp Poſts, and Lamp Irons, or any of them, upon or againſt the Walls, Sides, or Palifadoes, of any of the Houſes, Tenements, or Buildings, within the faid Borough, or in fuch other Places or Parts thereof as they fhall think proper, and to order and direct the fame to be lighted in fuch Manner and for fuch Time as they

they shall think fit; and it shall be also lawful for the said Commissioners, with the Consent of the Trustees of the Turnpike Road, or any Five or more of such Trustees, by whom any Lamps may then be set up within the said Borough, or the Avenues leading into the same, from Time to Time to remove, vary, alter, or change the Situation of all or any of the Lamps, Lamp Posts, and Irons, by them erected into more convenient Situations, as may be judged necessary.

VII. 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 Borough of *Malmesbury*, or of lighting the same, as already vested or to be vested in the Trustees of the said Turnpike Road.

Preceding Clause not to extend to the Carriage Roads.

VIII. And be it further enacted, That it shall be lawful for the said Commissioners 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 publick Passages and Places, or through or under any adjoining Lands or Grounds, for the better draining and cleansing the said Streets, Lanes, and publick Passages and Places, and also to cause any of the Gutters, Drains, and Watercourses already made therein, to be opened, widened, enlarged, and made deeper, and the Course thereof altered, varied, or changed, in such Manner as they shall think necessary, and to make and carry the same through any adjoining Lands or Grounds, making such Satisfaction for the Damage done thereby as the said Commissioners shall think proper; 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 Common or Waste Grounds near the Borough of *Malmesbury* aforesaid, for the Purpose of paving, pitching, repairing, or amending the said Footways, without paying any Thing for the same.

Commissioners may make new Gutters, Drains, &c. or alter old ones.

IX. And be it further enacted, That all Persons inhabiting within the said Borough shall, from and after the passing of this Act, sweep, scrape, and clean the Footways before their respective Houses, Buildings, Walls, and Premises, or cause the same to be swept, scraped, and cleaned, from the Front of their respective Houses, Buildings, Walls, and Premises, on every *Saturday*, before the Hour of Eight in the Evening between *Lady-day* and *Michaelmas-day*, and before the Hour of Five in the Afternoon between *Michaelmas-day* and *Lady-day*, upon Pain of forfeiting, for every Neglect, any Sum not exceeding Five Shillings, nor less than One Shilling.

Inhabitants to sweep before their Houses.

X. And be it further enacted, That it shall be lawful for the said Commissioners to purchase (with the Consent of the Owners thereof, and Persons interested therein, but not otherwise) any Lands, Tenements, or Hereditaments, which they shall think necessary to be purchased, for rendering the Footways of any of the said Streets, Lanes, or other publick Passages, more convenient and safe, and to take down and remove any Erections or Buildings standing thereon, and to lay the same into the said Footways, and also to purchase or hire (with such Consent as aforesaid)

Power to purchase Lands for widening the Streets, and for a Lay-out.

One or more Piece or Pieces of Land or Ground, at such Place or Places as they shall think convenient, to be made use of as a Laystall or Laystalls for depositing the Soil, Dirt, Dust, Dung, Rubbish, Ashes, Filth, and Manure, arising within the said Borough, and out of the Money arising as herein-after mentioned to pay for all or any such Lands, Tenements, or Hereditaments, which shall be purchased or hired for the Purpose aforesaid, such Sum and Sums of Money as shall be agreed upon between the said Commissioners and any Owner or Owners thereof.

Money paid to Corporations, &c. to be reinvested.

XI. And be it further enacted, That all and every Sum and Sums of Money paid to any Body Politick or Corporate, Guardians, Committees, or other Trustee or Trustees, or Tenants in Tail or for Life, in pursuance of this Act, shall (in case the same shall exceed the Sum of Fifty Pounds) be by them respectively laid out in the Purchase of Lands, Tenements, or Hereditaments, to be settled to and upon, and subject to such Uses, Trusts, Limitations, Remainders, Contingencies, and Charges, as the Premises so to be purchased by the said Commissioners as aforesaid were settled, limited, and assured, or liable to at the Time of such Sale, and shall and may be held and enjoyed accordingly; and in the mean Time, and until such Purchase can be made, it shall be lawful to place such Money in the publick Funds, in the Name or Names of such Body Politick or Corporate, Guardians, Committees, Trustee or Trustees, or other Person or Persons as aforesaid, and of any Five of the said Commissioners, the Interest and Dividends whereof shall go to the like Uses, and be subject to the like Application as the Rents and Profits of the Lands and Premises to be purchased with such Money would go or be subject to in case they were actually purchased and settled.

Property of the Pavements, Ashes, Cinders, Lamps, &c. vested in the Commissioners.

XII. And be it further enacted, That the Right and Property of and in all the Pavements in the Footways within the said several Streets, Lanes, publick Passages and Places, and also of and in all Materials, Implements, and other Things to be purchased by the said Commissioners, or any of them, for paving, pitching, and repairing the said Footways, or for other the Purposes of this Act, and the Soil, Ashes, Cinders, and Rubbish, in the said several Streets, Lanes, and other publick Passages and Places, and also of and in the Lamps, Lamp Posts, and Lamp Irons, therein, to be set up by the said Commissioners, or any of them, by virtue of this Act, shall be and are hereby vested in the said Commissioners, and they, or any Five or more of them, are hereby authorized and empowered to bring, or cause to be brought, any Action or Actions in the Name of their Treasurer or Clerk, or to prefer or cause to be preferred any Bill or Bills of Indictment (as the Case shall require) against any Person or Persons who shall steal, take, or carry away any of the Materials or Things aforesaid; and the said Commissioners shall have full Power and Authority to sell and dispose of all or any Part of the old Materials, Pavements, Soil, Ashes, Cinders, Rubbish, and other Materials aforesaid, to any Person or Persons who shall be willing to purchase the same, or any Part or Parts thereof, and the Money arising by such Sale shall be applied towards defraying the Expences of executing this Act: Provided always, That nothing herein contained shall extend to empower the said Commissioners to sell or dispose of any Cinders, Ashes, Dirt, Filth, Soil, Dung, or Rubbish, belonging to any of the Inhabitants of the said Borough, which they shall think fit to reserve and keep

Persons may keep their own Cinders, &c. so as not to be any Annoyance.

for their own Use, or to sweep, scrape up, and take away from before their respective Dwellings or other Buildings for their own Uses only, within the Time limited for sweeping and cleansing, nor to prevent any such Inhabitants from bringing out from their back Yards, Gardens, or Out-houses, any Dung, Ashes, or other Matter, and laying the same before their Houses or Buildings in order to be carried away, so that such Cinders, Ashes, Dirt, Filth, Soil, Dung, or Rubbish, do not cause any Annoyance to any Person or Persons whomsoever, and be removed and carried away within Two Days after Notice for that Purpose being given by the Clerk or Surveyor to the said Commissioners to the Person or Persons reserving or keeping the same; and if any Person shall, after such Notice given, refuse or neglect to remove such Cinders, Ashes, Dirt, Filth, Soil, Dung, or Rubbish, within the Time aforesaid, every Person so offending, shall forfeit for every such Offence any Sum not exceeding Five Shillings for the First Offence, and Ten Shillings for the Second and every subsequent Offence.

XIII. And be it further enacted, That if any Person or Persons shall wilfully break, throw down, or otherwise damage any of the Lamps which shall be purchased, fixed, or set up by virtue of this Act, or any of the Posts, Irons, or other Furniture thereof, or any of the Pavements or other Works hereby intended to be performed, or shall extinguish any of the said Lamps, or shall obstruct, hinder, molest, or prevent any Surveyor, Paviour, or other Officer or Workman, or any other Person or Persons whomsoever, employed by virtue of this Act, in the Performance or Execution of his Duty, every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, over and above the Costs of repairing and amending such Lamps, Posts, Irons, Furniture, Pavement, or other Work, so broken down, thrown down, or damaged as aforesaid.

Penalty for
breaking
Lamps, &c.

XIV. And be it further enacted, That no Person or Persons shall make or cause to be made any Alteration in the Form of any of the Pavements or Pitching of the Footways of the said Streets, Lanes, and publick Passages and Places, or any Part thereof, without the Consent and Direction of the said Commissioners, or any Seven or more of them, under their Hands first had and obtained for that Purpose, upon Pain of forfeiting for every such Offence any Sum not exceeding Five Pounds, nor less than Forty Shillings, and any further Sum not exceeding Ten Shillings, nor less than Five Shillings, for every Day that such Offence is continued, after Notice from the Clerk or Surveyor to the said Commissioners, to such Person or Persons to reinstate such Pavement or Pitching.

No Person,
without Con-
sent of Com-
missioners, to
alter any
Pavement.

XV. And be it further enacted, That if any Person shall run, drive, carry, or place on any of the Footways in any of the said Streets, Lanes, or other publick Passages or Places, any Wheel, Sledge, Wheelbarrow, Truck, or Carriage, or shall roll any Cask, or shall wilfully ride, drive, or lead any Horse or other Beast or Cattle on any of the said Footways, or shall kill, slaughter, singe, scald, or dress any Beast, Swine, Calf, Sheep, Lamb, or other Cattle, in any of the said Streets, Lanes, or publick Passages or Places, or if any Person shall hoop, cleanse, wash, or scald any Cask, or hew or saw any Piece of Stone, Wood, or Timber, or bind, make, or repair the Wheel of any Carriage, or shoe, bleed, or farry

For prevent-
ing Annoy-
ances.

farry any Horse or other Beast, or flake, mix, or wet any Lime, or make or mix up any Mortar in any of the said Streets, Lanes, publick Passages, or Places, or shall set, place, or expose to Sale, any Goods, Wares, or Merchandizes, either on the Footways or Carriage Ways of any of the said Streets, Lanes, or publick Passages or Places, (except on Market or Fair Days), or shall hang up or expose to Sale any Goods, Wares, or Merchandizes, or any other Matter or Thing, upon any Flap Window, or otherwise, so as to obstruct or incommode the Footway or Carriage Way in any of the said Streets, Lanes, publick Passages, or Places, (except on Market or Fair Days), or if any Person shall place or leave any Waggon, Cart, or other Carriage, or any Coal Horses in any of the said Streets, Lanes, or publick Passages, (except for the Purpose of immediately loading or unloading), or if any Person shall leave any Stage Coach, Postchaise, or other Carriage let for Hire, to stand or remain in any of the said Streets, Lanes, or publick Passages or Places, for any longer Time than shall be necessary for taking up or setting down the Passengers, and for loading or unloading their Baggage, (other than and except during the Times of holding the Fairs, Markets, and other publick Meetings, within the said Borough, and except Baggage Waggons for the Service of the Army or Militia), or if any Swine, Beast, or other Cattle, shall be permitted by the Owner thereof to wander in or about any of the said Streets, Lanes, and publick Passages, and Places, or if any Person shall throw, cast, set, or lay, or cause to be thrown, cast, set, or laid, any Coals, Coal Ashes, Wood Ashes, Rubbish, Dirt, Dung, Filth, Timber, or other Nuisance or Annoyance whatsoever, within any of the said Streets, Lanes, or publick Passages or Places, or if any Person whomsoever shall (without the Consent in Writing of the said Commissioners for that Purpose first had and obtained) take or carry away any Dust, Dirt, Dung, or Manure, which shall be made in any of the said Streets, Lanes, publick Passages, or Places, other than the Scavenger or other Person to be appointed or authorized for that Purpose by the said Commissioners, (except as herein-before mentioned and excepted), every Person so offending in any of the Cafes aforesaid, shall forfeit and pay any Sum not exceeding Ten Shillings, nor less than Five Shillings, for the First Offence, and not exceeding Twenty Shillings, nor less than Ten Shillings, for the Second and every subsequent Offence.

No Penalty for leaving Rubbish while Houses are rebuilding.

XVI. Provided always, and be it further enacted, That no Person shall be subject to any of the said Penalties, for or on account of any Rubbish or Dirt in the said Streets, Lanes, publick Passages or Places, before the House or Tenement of such Person, occasioned by the building, rebuilding, or repairing the same, or for flakeing, wetting, or mixing any Lime, or making or mixing up any Mortar for those Purposes in any of the said Streets, Lanes, publick Passages or Places, so as convenient Room be left for Carriages to pass and repass, and a sufficient Way or Path be kept clean for Foot Passengers, and so as the Owner or Owners of such House or Tenement, before which such Rubbish or Lime shall lie, shall cause the same to be removed, at his, her, or their own Costs and Charges, within a reasonable Time after such House or Tenement shall be built, rebuilt, or repaired, upon Notice to be given to him, her, or them, or left at his, her, or their House or Tenement, where such Rubbish or Lime shall lie, for that Purpose, in Writing, to be signed by the Clerk or Surveyor to the said Commissioners.

XVII. And

XVII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Seven or more of them, from Time to Time to take down and remove, or cause to be taken down and removed, any Porch, Bulk, or Penthouse, already erected or built against the Front or Side of any House or Building, within any of the said Streets, Lanes, or publick Passages or Places, within the said Borough of *Malmesbury*; and if any Person or Persons shall, after the passing of this Act, presume to erect or build, or cause to be erected or built, any Porch, Bulk, or Penthouse, against the Front or Side of any House or other Building, within any of the said Streets, Lanes, or publick Passages or Places, or any Bow or projecting Window against any Room or other Place on the Ground Floor of any such House or other Building, within One Foot of the Pavement, every such Person shall forfeit and pay, for every such Offence, any Sum not exceeding Ten Pounds, nor less than Forty Shillings; and it shall be lawful for the said Commissioners, or any Seven or more of them, from Time to Time to cause all such Porches, Bulks, 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 to cause all such Posts, within the said Streets, Lanes, and other publick Passages, as they shall think useles or inconvenient, to be taken up and removed, and all Steps, Posts, Rails, Shew Glassses, and Shew Boards, incroaching upon the Footways, and all Steps, and Doors opening in, or leading from, any of the said Footways into Vaults or Cellars, to be removed or altered, and shall and may cause all Signs or other Emblems used to denote the Trade, Occupation, or Calling, of any Person or Persons, and all Sign Posts, Sign Irons, Shew Boards, Spouts, and Gutters projecting into any of the said Streets, Lanes, publick Passages or Places, and all other Incroachment, Projections, and Annoyances whatsoever, within the said Borough, and Avenues leading into the same, to be taken down and removed; and shall cause all Signs or other Emblems as aforesaid, Shew Boards, Spouts, or Gutters, to be fixed or placed on the Fronts of the Houses, Shops, Warehouses, or Buildings, whereunto they respectively belong or were before affixed, and not otherwise, and shall return, or cause to be returned, to the respective Owners thereof, so much of such Signs or other Emblems, Sign Posts or other Posts, Rails, Sign Irons, Shew Boards, Spouts, and Gutters, as shall not be fixed, put up, or otherwise made use of in the Alterations directed by this Act; and that for the future, all Signs, Sign Boards, and Gutters, shall be placed or fixed on the Fronts of the Houses, Shops, Warehouses, or Buildings, to which they respectively belong, and not otherwise; and if any Person or Persons shall at any Time, after the passing of this Act, hang, place, erect, or build any Sign, Sign Post, or other Post, Sign Iron, Shew Board, Spout, Gutter, or other Projection, Obstruction, or Annoyance, or cause the same to be done, contrary to the Directions of this Act, he shall forfeit and pay, for every such Offence, any Sum not exceeding Ten Pounds, nor less than Forty Shillings.

Commissioners may remove Porches, Bulks, &c.

Penalties on Persons building Porches, &c. against the Sides of Houses.

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

XVIII. And be it further enacted, That towards defraying the Expences of obtaining and passing this Act, and of executing the several Purposes thereof, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to cause to be demanded, collected, and received, on every *Sunday* for the future, by such Person or Persons

Tolls to be taken on *Sundays*.

as they shall appoint for that Purpose, at the several Turnpikes or Toll Gates within the Borough of *Malmesbury* aforesaid, or within the Distance of One Mile thereof, as the same now are or shall be hereafter erected by virtue of any other Act, or by virtue of this Act, before any Horses, Cattle, or Carriages, shall be permitted to pass through the same, the several Tolls following; (that is to say),

Sunday Tolls.

For every Horse, or other Beast, drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Chair, Caravan, Taxed Cart, or other Carriage, by whatsoever Name the same shall be called or known, the Sum of Three-pence; and for every Horse or other Beast not drawing, the Sum of One Penny:

For every Drove of Oxen, Cows, or Neat Cattle, Ten-pence *per* Score; and so in proportion for any greater or less Number:

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

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

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

XIX. And be it further enacted, That if any Person or Persons shall forcibly or wilfully pass with any Horse, Beast, or Carriage, through any Turnpike, whereat any Toll is by virtue of this Act to be paid, without paying such Toll, or producing a Note or Ticket at such Turnpike, or shall knowingly or designedly evade paying the said Toll, or shall assault, interrupt, or obstruct any or either of the Collectors or Persons employed in the collecting or receiving of any or either of the said Tolls, or any otherwise, in the Execution of his or their Office or Offices of Receiver or Collector, or shall forge, counterfeit, or alter, or shall deliver to or receive from any other Person or Persons any Note or Ticket, with Intent to avoid the Payment of any or either of the said Tolls, or any Part thereof, every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Three Pounds, nor less than Forty Shillings, over and besides such Damages and Punishments as they and every of them respectively shall be liable to by Law.

Penalty on forcibly passing through the Gates without paying.

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

For using present Turnpikes, or erecting new ones.

XXI. Provided nevertheless, and it is hereby enacted and declared, That none of the Tolls hereby granted shall be demanded or taken for or in respect of the Horses or Carriages of any Rector, Vicar, or Curate, going to or returning from any Church, Chapel, or other Place of religious Worship, or for or in respect of the Horses or Carriages of any Person

Exemptions.

Person or Persons, being Inhabitants of the several Parishes of *Saint Paul Malmesbury*, *The Abbey Malmesbury*, and *Saint Mary Westport*, or either of them, or of any or either of the Tythings of *Milborne*, *Burtonhill*, *Kodborne*, *Corstone*, *Cole*, and *West Parks*, to the said Parish of *Saint Paul Malmesbury* belonging, going to or returning from Church, Chapel, or other Place of religious Worship, within the same Parishes or Tythings respectively, or attending the Funeral of any Person who shall die and be buried within the same Parishes or Tythings, or either of them, or for or in respect of any Horses or Carriages, of whatsoever Description, employed or to employed in conveying the Mails of Letters and Expresses under the Authority of His Majesty's Post Master General, either when employed in conveying, fetching, or guarding such Mails or Expresses, or in returning back from conveying or guarding the same, or any Horses belonging to Officers or Soldiers upon their March, or upon Duty, or Carriages employed in carrying or conveying any sick, wounded, or disabled Officers or Soldiers, or any Horses or Carriages travelling with Vagrants sent by legal Passes, or returning, having been so employed; and if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being entitled to the same, every such Person, for every such Offence, shall forfeit any Sum not exceeding Forty Shillings, nor less than Twenty Shillings: Provided also, That no Person who shall have paid any of the said Tolls hereby granted, at any of the Turnpikes leading into the said Borough of *Malmesbury*, as the same now are or shall be hereafter erected, shall be subject or liable to pay such Tolls again on the same Day (to be computed as aforesaid) for afterwards passing and repassing any Time or Times, as often as he or she shall think proper, through the same Turnpike, or through the several other Turnpikes last above-mentioned, with the same Horse or Horses, Cattle or Carriage, for which such Tolls shall have been so paid, such Person respectively producing a Note or Ticket denoting such Payment, which Notes or Tickets the Collectors of the Tolls are hereby required to give *gratis* on Receipt of the Toll.

Tolls may be lessened.

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

Tolls may be let.

XXIII. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, by Writing under their Hands, (upon Ten Days Notice in Writing affixed on the Market Cross, or on the principal Doors of the Churches aforesaid), to let and demise, or agree to let and demise the *Sunday* Tolls arising by virtue of this Act, or any Part or Parts thereof, for any Term not exceeding Three Years at any One Time, either unto the Trustees of the respective Turnpike Road, or any Five or more of them, (who are hereby authorized to take and rent the same if they shall so think fit), or to any other Person or Persons whomsoever, upon publick Bidding, and for the best Price that can be gotten

gotten for the same, payable at such Times, and to such Person or Persons, and under such Covenants and Conditions, and with such Sureties for the Payment thereof, as the said Commissioners shall think fit; and the Money arising thereby shall be applied in such Manner as the Tolls so leased are directed to be applied.

XXIV. And be it further enacted, That towards the more speedy defraying the Expences of executing the Purposes of this Act, it shall be lawful for the said Commissioners, 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 Books, upon all and every the Occupiers of Houses, Lands, Tenements, Gardens, Outbuildings, and Hereditaments, situate, lying, and being within the said Borough of *Malmesbury*, which 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, by their Order, shall direct and appoint in that Behalf, and the Money thereby raised shall be paid into the Hands of their Treasurer, to be applied, together with the said *Sunday* Tolls, in defraying the Expences of executing this Act; and if there shall happen to be any Surplus Money collected by such Rate in any One Year, more than shall be necessary for the Purposes of this Act, such Surplus shall be carried on to the Credit of the next Year's Account, and applied as aforesaid: 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, Lands, Tenements, Gardens, Outbuildings, and Hereditaments, 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 Borough, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting, 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 Borough, 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, 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 Borough of *Malmesbury*.

For enabling the Commissioners to lay a Rate in Aid of Tolls.

Power of Distresses on Non-payment;

and follow the Distress.

XXV. Provided always, That it shall be lawful for the said Commissioners, and they are hereby empowered, 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,

Commissioners may mitigate the Rates.

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 of such Person or Persons, and Inability to pay.

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

XXVI. 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 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 or occupying such Premises, shall be liable to pay such Rate or Assessment in Proportion to the Time each Person occupied the same respectively, and in case of Refusal, to have the same recovered from him, her, or them, in Manner before directed for Recovery of Rates; which said Proportion, in case of Dispute, shall be settled and ascertained by the said Commissioners.

Commissioners may appoint Officers.

XXVII. And be it further enacted, That the said Commissioners may, and they are hereby empowered from Time to Time, as they shall think fit, by Writing under their Hands, to nominate, elect, and appoint, a Treasurer, Clerk, Surveyor, Scavenger, and so many Collectors of the Rates and Tolls, and such other Officer or Officers as they shall think necessary for the Purposes of this Act, and to remove them, any or either of them, and upon such Removal, or when any of them shall die, misbehave, or resign his or their Office, or be incapable of performing it, in like Manner to nominate and appoint others in their Stead, and shall take such Security from each of the said Officers for the due Execution of their respective Offices, as they the said Commissioners shall think proper, and may, by and out of the Monies arising by virtue of this Act, allow and pay to such Treasurer, Clerk, Surveyor, Scavenger, Collectors, and other Officers, such Salaries, Rewards, and Allowances, for their respective Attendance, Care, and Service, as to the said Commissioners shall seem reasonable.

All Orders to be entered in a Book, and Accounts kept.

XXVIII. And be it further enacted, That the said Commissioners shall, and they are hereby required to enter, or cause to be entered, in One or more Book or Books to be provided for the Purpose, all Orders and Proceedings made at their respective Meetings, and the same shall be subscribed by the Commissioners present at such Meeting, or by the major Part of them, or by their Clerk by their Order; and all Entries in such Books, or true Copies thereof, so signed as aforesaid, shall be allowed to be read in Evidence in all Suits, Actions, Informations, Appeals, and other Proceedings, touching any Thing done in pursuance or by virtue of this Act; and the said Treasurer, Surveyor, Collectors, and other Officers, shall likewise keep a fair and clear Account of all Monies which shall be from Time to Time by them respectively received and paid, for or on account of any Charges, Expences, and Disbursements, by virtue of this Act, and of carrying the same into Execution, and shall verify the same upon Oath (if required by the said Commissioners), which Book or Books of Entries and Accounts shall, at any of the Meetings of the said Commissioners, and at all other seasonable Times, in the Day Time, be open and liable to the Inspection of all and every or any of the said Commissioners, and of all and every Person and Persons rated and assessed for the Purposes of this Act, and also of the Creditor or Creditors on the Tolls hereby

hereby granted; and all such Accounts shall be Once in every Year, or oftener, (if required), settled, adjusted, ratified, and approved, or disallowed by the said Commissioners, and the Balance of any Monies remaining in the Hands of any of such Officers shall be forthwith paid to such Person or Persons as the said Commissioners shall appoint to receive the same, to be applied for the Purposes of this Act; and in Default of rendering and making such Accounts and Payments as aforesaid, every such Treasurer, Clerk, Surveyor, Collector, and other Officer respectively, shall be liable to such Penalties, and Means of Recovery thereof, as Overseers of the Poor are by Law liable to in like Cases.

XXIX. And be it further enacted, That all the Costs, Charges, and Expences, incident to or attending the obtaining and passing this Act, shall be forthwith paid by such Person and Persons, in such Parts, Shares, and Proportions, as he, she, and they, have severally and respectively agreed to subscribe and pay for the same; and in case such voluntary Subscriptions shall not be sufficient for that Purpose, it shall and may be lawful for the said Commissioners to borrow and take up at Interest, upon the Credit of the said *Sunday* Tolls hereby granted, such Sum or Sums of Money as shall be sufficient to make up, pay, and satisfy the Deficiency of such Costs, Charges, and Expences; and the said Commissioners may assign over such *Sunday* Tolls, or any Part thereof, for the Security of such Money, and the same may be afterwards transferred by the Person or Persons lending the same, in like Manner as is directed by the Act for repairing the Turnpike Road leading through the said Borough, with respect to the Mortgages thereby authorized to be granted.

Expences of
the Act.

XXX. And be it further enacted, That all the Money to arise by or from the *Sunday* Tolls hereby granted, shall, in the First Place, be from Time to Time applied and disposed of by the said Commissioners, in paying and discharging the Principal Money to be borrowed upon the Credit thereof as aforesaid, and the Interest thereof, and then the same, and the said Rates or Assessments, and all other Monies coming to the Hands of the said Commissioners, by virtue of this Act, shall from Time to Time be applied in defraying the Charges and Expences of paving, pitching, and keeping in Repair, the said Footways, and of cleansing, regulating, and more effectually lighting, the several Streets, Lanes, and publick Passages and Places within the said Borough of *Malmesbury*, and the Avenues leading into the same, and of removing and preventing all Obstructions, Nuisances, and Annoyances therein, and otherwise carrying this Act into Execution.

Application
of Money.

XXXI. And be it further enacted, That the Commissioners acting in Execution of the Powers by this Act given and granted, may bring an Action for the Breach of any Contract or Agreement made or entered into by virtue hereof, or in any other Case relating hereto, and for which no other particular Remedy is hereby pointed out or specified, in any of His Majesty's Courts of Law at *Westminster*, (or in the Hundred Court of *Malmesbury*, if the Damages intended to be recovered do not amount to Forty Shillings); and they may in all Cases sue or be sued in the Name of their Clerk or Treasurer; and that no Action which may be brought or commenced, or Indictment which may be preferred or prosecuted, by or against the said Commissioners, or any of them, by virtue or on account of

Commission-
ers may sue
or be sued in
the Name of
their Clerk.

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 said Commissioners, but the Clerk or Treasurer to the said Commissioners for the Time being, as the Case may be, shall always be deemed Plaintiff, Prosecutor, or Defendant, in such Action or Indictment, and may in all Cases sign Notices or Summonses for and on Behalf of the said Commissioners: Provided always, That every such Clerk or Treasurer, in whose Name any Action, Indictment, or Suit, shall be commenced, preferred, prosecuted, or defended, 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 made Plaintiff, Defendant, or Prosecutor therein; and in every such Action and Suit, as well as in every Information or Complaint before any Justice or Justices, and also upon all Appeals, any Inhabitants of the said Borough of *Malmesbury* shall be and are hereby declared to be competent Witnesses, notwithstanding they may be charged to, and pay any of the Rates and Duties imposed by virtue of this Act, or any other Rates or Duties within the said Borough.

Inhabitants
may be Wit-
nesses.

Penalties and
Forfeitures
how to be re-
covered and
applied.

XXXII. And be it further enacted, That all Penalties, Forfeitures, and Fines, hereby inflicted, or authorized to be imposed, (if the Manner of levying and Recovery thereof is not herein otherwise directed), shall, upon Proof of the Offences respectively before any One Justice of the Peace for the County, Borough, or Place, wherein the Offender shall be and reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witness or Witnesses, be recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant for those Purposes), and the Overplus, after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and the Penalties, Forfeitures, and Fines, when paid or recovered, shall be from Time to Time paid to the Treasurer of the said Commissioners, and applied for the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for any One Justice of the Peace as aforesaid, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Two Calendar Months, nor less than Ten Days, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges, shall be sooner paid and satisfied.

XXXIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That 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; *videlicet*,

BE it remembered, That on the _____ Day of _____
 in the Year of our Lord One thousand seven hundred and _____
 A. B. is convicted before me C. D. One of His Majesty's Justices of
 the Peace for the County of _____ [or, Borough of M. as the Case
 may be, specifying the Offence, and the Time and Place when and where
 the same was committed, as the Case shall be]. Given under my Hand
 and Seal, the Day and Year first above-mentioned.'

Form of
Conviction.

XXXIV. Provided always, and be it further enacted, That it shall be
 lawful for the said Commissioners from Time to Time to compound and
 agree with any Person or Persons against whom any Action or Actions,
 Suit or Suits, shall be brought, commenced, or prosecuted, for any Pe-
 nalty or Penalties contained in any Contract or Contracts hereafter to be
 entered into, on account of any Breach or Non-performance of any such
 Contract or Contracts, for such Sum or Sums of Money as the said Trus-
 tees shall think proper, so as the Sums so compounded and agreed for be
 not less than the Injury or Damage sustained by the Breach or Non-per-
 formance of such Contract or Contracts, and all the Costs, Charges, and
 Expences, which shall be occasioned thereby.

Commission-
ers may com-
pound for Pe-
nalties.

XXXV. Provided also, and be it further enacted, That it shall be law-
 ful 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 notwith-
 standing.

For rewarding
Informers.

XXXVI. Provided always, and be it further enacted, That if any
 Person shall think himself or herself aggrieved by any Thing done in pur-
 suance of this Act, for which no particular Method of Relief is hereby
 appointed, such Person may appeal to the Justices of the Peace at any Ge-
 neral Quarter Sessions of the Peace to be holden for the County of Wilts,
 within Six Calendar Months after the Cause of such Complaint shall have
 arisen, such Appellant first giving or causing to be given Twenty-one Days
 Notice at the least, in Writing, of his or her Intention to bring such Ap-
 peal, and of the Matter thereof, to the Clerk to the said Commissioners,
 and within Four Days after such Notice, entering into a Recognizance
 before some Justice of the Peace for the said County, with Two sufficient
 Sureties, conditioned to try such Appeal, and abide the Order of, and
 pay such Costs as shall be awarded by the Justices at such Quarter Ses-
 sions; and the said Justices, upon due Proof of such Notice being given
 as aforesaid, and of the entering into such Recognizance, shall hear and
 finally determine the Cause and Matter of such Appeal in a summary Way,
 and award such Costs to the Parties appealing or appealed against as they
 the said Justices shall think proper; and the Determination of such Jus-
 tices shall be final, binding, and conclusive to all Parties; and the said
 Justices at such Sessions may also, by their Order or Warrant, levy such
 Costs so awarded by Distress and Sale of the Goods and Chattels of the
 Person or Persons who shall refuse to pay the same, and for Want of
 sufficient Distress to commit such Person or Persons to the Common Gaol
 or House of Correction of or for the said County, for any Time not ex-
 ceeding One Calendar Month, or until Payment of such Costs.

Persons ag-
grieved may
appeal to the
Quarter Ses-
sions.

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

XXXVII. And be it further enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, nor be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; and that where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed to be unlawful, nor the Party or Parties making the same a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage, if any, in an Action upon the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on the Behalf of the Party distraining before such Action brought.

Limitation of
Actions.

XXXVIII. 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 Twenty-one Days Notice thereof shall be given to the Clerk of the said Commissioners, nor after a sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every Action shall be laid and tried in the County of *Wilts*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or that such Action or Suit shall be brought before Twenty-one Days Notice shall be given as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, then the Jury shall find for the said Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his or their Action or Actions after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have for Costs in any Case by Law.

Saving the
Rights of the
Lord of the
Manor and
Corporation
of *Malmesbury*.

XXXIX. 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 Borough as heretofore accustomed, nor to prevent the Lord of the Manor or Manors of *Malmesbury* and *Westport* aforesaid, his Heirs or Assigns, or the Corporation of the said Borough of *Malmesbury*, or any other Person or Persons, from having or taking any legal Remedy against any Per-

son or Persons for any Encroachments or Nuisances that are or shall be made within the said Lordship or Borough, or for any of the Annoyances or Obstructions herein-before 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 Lord or Corporation, or any of the Juries or Officers of their Courts or Leets within the said Borough, (save only the Power and Authority, if any such there be, 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 Lord, his Heirs and Assigns, and the said Corporation, Juries, and Officers respectively, shall and may exercise and enjoy all and every such Powers, Privileges, Franchises, and Authorities, (save only as before is saved), 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 made.

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

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