



ANNO QUADRAGESIMO SEXTO

GEORGH III. REGIS.

Cap. 117.

An Act for amending and enlarging the Powers of an Act, passed in the Twenty-sixth Year of His present Majesty, for paving the Footways and Passages in the Town of *Cheltenham*, in the County of *Gloucester*, and for better cleansing and lighting the said Town, and for removing and preventing Nuisances and Annoyances therein. [12th July 1806.]

WHEREAS an Act was passed in the Twenty-sixth Year of the Reign of His present Majesty, intituled, *An Act for paving the Footways and Passages in the Town of Cheltenham, in the County of Gloucester, and for better cleansing and lighting the said Town; for taking down certain old Buildings now standing therein; and for removing and preventing other Encroachments, Nuisances, and Annoyances:* 26 G. 3.
c. 116. And whereas the Town of *Cheltenham* has for near a Century past been a Place of great publick Resort on account of the Salubrity of its Air, and its celebrated Mineral Waters; and of late Years the Resort of Persons to the said Town has very considerably increased, and will in all Probability continue to increase: And whereas the Want of proper Accommodations for the Company so resorting to the said Town has been deservedly the Subject of very general Complaint, and very detrimental to the Company as well as to the Inhabitants of the said Town and its Vicinity: And whereas the several Streets, Lanes, Ways, Passages, and publick Places already made and built, and which are now making and building within the said Town and Parish of *Cheltenham*, are in many Parts incommodious

[Loc. & Per.] 26 R and

and unsafe for Passengers, very badly paved, and not sufficiently cleaned and lighted, and no Watch has been yet established; and the said Streets, Lanes, Ways, Passages, and publick Places are subject to various Nuisances, Annoyances, Encroachments, and Obstructions, and other Streets, Crescents, Ways, Passages, and publick Places are intended to be or may be made or built within some Part of the said Parish, which may be subject or liable to the same or similar Inconveniences; and it would tend greatly to the Convenience, Benefit, and Safety of the Publick, as well as of the Owners and Inhabitants of Houses already built or building, and of such other Houses as may hereafter be built therein, and to all Persons resorting thereto, if the Streets, Squares, Crescents, Lanes, Ways, Passages, and publick Places already made or hereafter to be made, were properly paved, cleaned, lighted, watched, and regulated, and all Nuisances, Annoyances, Encroachments, and Obstructions removed and prevented in future, and if a proper and effective Police were established in the said Town of *Cheltenham*; and it would also tend greatly to the Convenience and Benefit of the Publick, as well as of the Inhabitants of the said Town and the Neighbourhood thereof, if a sufficient Number of Hackney Coaches and Chairs, and of Porters, Basket Men, and Basket Women were licensed, and the same were respectively put under proper Regulations, and if the other Improvements herein-after mentioned were made in the said Town and Parish of *Cheltenham*; but such several Purposes cannot be effected without the Aid and Authority of Parliament: And whereas the Powers and Provisions of the said recited Act have been found in some Respects insufficient, and it is necessary that the same should be altered and amended, and further Powers granted for those Purposes; 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 said recited Act, and all and every the Matters, Powers, Authorities, Privileges, Provisions, Articles, Rules, Penalties, and Clauses therein contained, so far as the same are not hereby varied, altered, or repealed, shall be and continue in full Force and Effect to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act, and the Rates hereby granted shall be and the same are hereby declared to be subject and liable to the Payment of all Debts, Sum and Sums of Money, now due and owing upon the Credit or on Account of the said recited Act, and the Interest due and to become due thereon respectively, as fully and effectually, to all Intents and Purposes, as if such Debt or Debts, Sum or Sums of Money had been borrowed or become due upon the Credit or on Account of this Act; and that such former Debt or Debts, Sum or Sums of Money, and the Interest thereof, shall be paid off and discharged in preference to and before any Debt or Debts, Sum or Sums of Money, which shall be borrowed or become due upon the Credit or under the Powers or Authorities of this Act; provided the Person or Persons to whom the said former Debt or Debts, Sum or Sums of Money now is or are or shall become due, shall require the same so to be paid off and discharged.

Commission-
ers

II. And be it further enacted, That the Right Honourable *Thomas Howard* commonly called Lord Viscount *Andover*, the Honourable *Jahn Dutton*,

Dutton, Sir William Hicks Baronet, Sir George Duckett Baronet, Sir Robert Herries Knight, William Plumer, Charles Shaw Lefevre, Robert Morris, John Brown, John Bowles, Abraham Byrch, Thomas Packer Butt, William Humphris Barrett, Thomas Byrch, John Byrch, Joseph Bickham, William Bastin, William Ballinger, Richard Critchett, William Capel, Christopher Capel, William Capel the younger, Daniel Capel, Charles Coxwell Clerk, Charles Coxwell the younger, Clerk, John Clarke, Thomas Bagbott Dela Bere, Thompson Evans, Henry Foulkes Clerk, Alexander Forbringham, Richard Forster, John Gale, Charles Higgs, Samuel Higgs, Robert Hughes, John Higgs, Edward Jenner Doctor of Physick, Gilbert Jones, Thomas Jordan, Benjamin Kingston, Roe King Clerk, William Lawrence, Joseph Lavender, Richard Langbridge, Thomas Minster, Thomas Nash Clerk, Doctor in Divinity, William Nettlehipp, John Nettlehipp, Thomas Newman, Doctor Onslow Dean of Worcester, Samuel Pickering Clerk, Joseph Pitt, Thomas Pruen, John Riddell, Harry Rooke, William Russell, Charles Seager, Charles Hanbury Tracy, Edward Tatbam Clerk Doctor in Divinity, Robert Lawrence Townsend Clerk, Henry Thompson, Charles Brandon Tye, Reginald Wynniatt Clerk, Cornelius Woolley, Walter Welch, Benjamin Wells, James Wood, William Wood, John Boles Watson, Charles Wynne, and Jonathan Wildey (together with such of the Commissioners named in the said recited Act, and who have been since appointed in pursuance thereof, as are now living) shall be and they are hereby appointed Commissioners for carrying this and the said recited Act into Execution, such Commissioners (and their Successors to be appointed as herein-after mentioned) being respectively duly qualified, and taking and subscribing the Oath or Affirmation in the Words or to the Purport herein-after mentioned and required.

III. And be it further enacted, That this Act shall commence and take Effect upon the Third *Tuesday* next after the passing thereof, on which Day there shall be a General Meeting of the said Commissioners at the *George Hotel* at *Cheltenham* aforesaid, or at such other Place as the said Commissioners shall appoint, at the Hour of Eleven of the Clock in the Forenoon, when (if any Five of the said Commissioners shall be there assembled, but not otherwise) this Act may and is hereby required to be proceeded on in the Execution thereof; and a General Meeting of the Commissioners shall be held for carrying the same into Execution on the First *Tuesday* in every Month afterwards, at the same Hour and Place, unless some other Hour, Day or Days in the Week or Year, or some other Place within the Parish of *Cheltenham* aforesaid, shall be appointed by the Commissioners assembled at the said First Meeting, or any subsequent Meeting at which there shall be Five Commissioners assembled; and if at the Times when the said Meetings are hereby required, or shall be so as aforesaid appointed to be held, there shall not be at each such Meeting Five Commissioners present, then such Meeting shall stand adjourned to the next Day on which a Meeting in pursuance of this Act would otherwise be, or at a prior Meeting shall have been appointed to be held as aforesaid; and no Act, Order, Rule, Resolution, or Proceeding of the said Commissioners shall be valid or effectual, unless had, made, or done at a Meeting or Meetings to be held in pursuance of this Act, and unless at every such Meeting there shall be at least Five Commissioners present, the said Number of Five Commissioners being hereby declared to be sufficient and fully competent to execute

Commence-
ment of this
Act.

ecute all the Purposes of this Act (except the Revocation, Suspension, or Alteration of any Order, Rule, Resolution, or Proceeding made or done by or at any preceding Meeting as herein mentioned) and that at such First Meeting for putting this Act into Execution one of the Commissioners present thereat shall be appointed Chairman, to whom any one other of such Commissioners shall and is hereby authorized and required to administer an Oath or Affirmation in the Words or to the Effect hereinafter mentioned, and such Chairman shall immediately afterwards administer the like Oath or Affirmation to the other Commissioners then present; and at every other Meeting a Chairman shall in like Manner be appointed, and the Chairman for the Time being shall and is hereby alone authorized and required to administer the Oath or Affirmation hereby required to be taken by the said Commissioners and their Successors; and in all Cases where there shall arise a Difference of Opinion, the Question shall be decided by a Majority of Votes of the Commissioners then present; and if upon any Question there shall be an equal Number of Votes (including the Chairman's Vote) then the Chairman shall have the casting Vote; and that no Order, Rule, Resolution, or Proceeding had, made, or done at any Meeting held in pursuance of this Act, at which there shall have been Five Commissioners present, shall be revoked, suspended, or altered, unless at some subsequent Special Meeting to be held for that Purpose (which any Three or more of the Commissioners are hereby empowered to call, and of which Seven Days previous Notice at the least of the Time, Place, and Purpose shall be given and inserted in the *The Gloucester Herald* or *Gloucester Journal*, or some publick Newspaper published or circulated in the said County of Gloucester, or affixed on the Door of the Parish Church of *Cheltenham* aforesaid) a greater Number of Commissioners than were present at the Meeting or Meetings at which such Order, Rule, Resolution, or Proceeding proposed or intended to be revoked, suspended, or altered shall have been made shall be present, and shall concur in the Revocation, Suspension, or Alteration thereof, and in such Case no other Meeting to proceed in the Execution of this Act shall be held until after the Day expressed in such Notice; and at every Meeting the Commissioners present shall defray their own Expences.

Provision for calling a Special Meeting of the Commissioners.

IV. Provided nevertheless, and be it further enacted, That if it shall be thought necessary to hold a Meeting before the Time at which a Meeting is hereby required, or shall be so as aforesaid appointed to be held, then and in such Case it shall be lawful for the said Commissioners, or any Two or more of them, or for their Clerk for the Time being, and they or he are and is hereby required to call a Special Meeting, of which Seven Days previous Notice shall be given in the same Manner as is herein-before mentioned in the Case and for the Purpose of calling a Meeting to revoke, suspend, or alter a former Order, Rule, or Proceeding; and in like Manner no Meeting to proceed in the Execution of this Act, shall be held until after the Day expressed in the Notice for such last mentioned Special Meeting.

Qualification

V. And be it further enacted, That no Person shall be capable of acting as a Commissioner in any Case in the Execution of this Act, who is or shall be a Victualler, or who shall sell Ale, Wine, Cyder, or any Spi-

rituous Liquors by Retail or during the Time he shall hold or enjoy any Office or Place of Profit under, or be concerned in any Contract made by virtue or in pursuance of this Act, or in any Case wherein he shall be in anywise personally or beneficially interested in the Matter in question (except as a Creditor on the Rates or Assessments herein-after required to be made and levied), or who shall not in his own Right, or in the Right of his late or present Wife, be in the actual Possession, Enjoyment, and Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments of an Estate of Inheritance or for Life or Lives, or for any Term of Years exceeding Sixty Years, either absolutely or determinable on any Life or Lives, of the clear yearly Value of Fifty Pounds (above Reprizes and Incumbrances) or possessed of such Estate or Estates as last mentioned, and a Personal Estate jointly, or a Personal Estate alone to the Amount or Value of One thousand Pounds over and above the Amount of his Debts; nor shall any Person be capable of acting as a Commissioner in the Execution of this Act (except in administering the Oath or Affirmation to the Chairman of such First Meeting as aforesaid) until he shall have taken and subscribed an Oath or Affirmation in the Words or to the Effect following; that is to say,

‘ I *A. B.* do swear [*or, being one of the People called Quakers, do solemnly declare and affirm*] That I am really and *bona fide* in my own Right [*or, in Right of my Wife, late or present, as the Case may be*] now in the actual Possession, Enjoyment, and Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments of an Estate of Inheritance, or for Life or Lives, or for a Term or Terms exceeding Sixty Years, either absolute or determinable on a Life or Lives [*as the Case may be*] of the clear yearly Value of Fifty Pounds above Reprizes and Incumbrances, or possessed of such Estate or Estates as last mentioned, and a Personal Estate jointly, or a Personal Estate alone to the Amount or Value of One thousand Pounds over and above what will pay all my just Debts, and that I will truly and impartially, according to the best of my Skill and Judgement, execute and perform all and every the Powers and Authorities reposed in me as a Commissioner, by virtue of an Act passed in the Forty-sixth Year of the Reign of His Majesty King *George* the Third, intituled, *An Act* [*here add the Title of this Act.*]

Oath.
‘ So help me GOD.’

And if any Person not qualified in Manner herein-before mentioned to act as a Commissioner, shall presume to act as such in the Execution of the Powers hereby given or any of them, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to be recovered on the Information or Prosecution of any Person or Persons whomsoever, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, or more than one Impar lance shall be allowed; and every Person so sued or prosecuted shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor, than that such Person had acted as a Commissioner in the Execution of this Act; and the Money so to be recovered shall, after Payment of the Costs and Ex-

Penalty on Persons not qualified, acting as Commissioners.

pences attending the Recovery thereof, be paid as follows, (that is to say, one Moiety thereof to the Informer or Prosecutor, and the other Moiety thereof to the Treasurer to be appointed by virtue of this Act, to be by him applied to the Purposes of this Act.

Commissioners who are Justices of the Peace may act as Justices.

VI. Provided always nevertheless, and be it further enacted, That it shall be lawful for any of the said Commissioners who are or shall be in the Commission of the Peace for the said County of *Gloucester*, to act as Justices of the Peace in or relating to the Execution of this Act, notwithstanding their being Commissioners under this Act.

Appointment of new Commissioners in case of Death, &c.

VII. And be it further enacted, That upon the Death, or the Refusal or Incapacity to act of any of the Commissioners hereby appointed, or to be appointed as herein-after mentioned, for the Space of Three Calendar Months, it shall be lawful for the surviving or remaining Commissioners, or the major Part of them who shall be present at any Meeting to be specially held for that Purpose, due Notice being given of such Meeting in Manner aforesaid, to elect and appoint so many fit and able Persons to be Commissioners as shall supply the then Vacancies, and the Commissioners so elected and appointed, shall have and are hereby vested with the same Powers and Authorities for putting this Act in Execution in all Respects whatsoever, as the Commissioners in whose room they shall be appointed were vested with.

When Commissioners are reduced under Twenty, new ones to be chosen.

VIII. Provided always, and be it further enacted, That if at any Time or Times hereafter the said Commissioners shall be reduced to a less Number than Twenty, then and in such Case the remaining Commissioners qualified as aforesaid, or the major Part of them who shall be present at any Meeting to be specially held for that Purpose (due Notice being given of such Meeting in Manner aforesaid) are hereby authorized and required, upon due Proof being made of the Matter stated, to elect and appoint such and so many Person or Persons, being qualified as aforesaid, as shall appear to be wanting, to the Intent and Meaning that the Number of Commissioners for executing the Purposes of this Act shall at all Times hereafter be and remain Twenty at least.

Power of administering Oaths and making Affirmations.

IX. And be it further enacted, That in all Cases under this Act, where the said Commissioners, or any Justice or Justices of the Peace, are authorized to examine any Person or Persons on Oath or Affirmation, it shall be lawful for such Commissioners, and such Justice or Justices, and they are hereby required and empowered to administer such Oath or Affirmation.

For increasing the Number of Commissioners.

X. And be it further enacted, That if it shall at any Time be judged expedient that the Number of Commissioners for executing this Act should be increased, and should exceed the Number of Commissioners hereby appointed, then and in such Case it shall be lawful for the Justices of the Peace assembled at any General Quarter Sessions of the Peace to be holden for the said County of *Gloucester*, and they are hereby required from Time to Time, upon Application being made to them by the Majority of the Commissioners for the Time being, to be assembled at any Meeting to be held

held for that Purpose, to nominate and appoint, within Three Calendar Months next after such Application shall be made, such Persons as they in their Discretion shall think fit and proper to be Commissioners for the Purposes of this Act, and the Commissioners so to be appointed are hereby vested with the same Powers for putting this Act in Execution, and to act as Justices of the Peace for the Purposes of this Act, (being in the Commission of the Peace as before mentioned), as if they had been respectively named Commissioners in or by this Act.

XI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, by Writing under their Hands, to elect and appoint a Treasurer and Clerk, and also an Assessor or Assessors, Collector or Collectors, Receiver or Receivers of the Monies to be raised and paid under or by virtue of this Act, and also all such Surveyors, Scavengers, Rakers, Cleansers, Water Keepers, Lighters of Lamps, Beadles, Constables, Watchmen, and such other Officer or Officers, Deputies or Assistants, for the Execution of the several Purposes of this Act, as they shall from Time to Time think proper, and from Time to Time to remove, suspend, or displace all or any of such Officers as they shall see Occasion, and appoint others in the Room or Place of such of them as shall be so removed, suspended, or displaced, or shall die or resign their Offices; and also from Time to Time, by and out of the Monies to be raised or received by virtue of this Act, to pay such Wages or Salaries, and make such Allowances to such Officers, and to all other Persons by them the said Commissioners employed in the Execution of this Act, as they shall think reasonable or proper; and the said Commissioners shall and are hereby required to take such Security from every such Treasurer, Clerk, Collector, or other Officer so to be appointed as aforesaid, for the due Execution of their respective Offices or Duties, as the said Commissioners shall think proper; and every Person who is hereby made liable to pay the several Rates or Assessments hereby directed and required to be levied and raised, and to pay any Sum of Money which under this Act is to be applied for the Purposes thereof, shall and they are hereby required to pay the same to such Collector or other Persons as shall be so appointed to collect and receive the same in pursuance of this Act, who shall not at any Time retain in his or their Hands more than the Sum of One hundred Pounds, upon Pain of forfeiting to the said Commissioners the Sum of Ten Shillings *per* Day for every One hundred Pounds collected and retained beyond the Sum of One hundred Pounds, and so after the same Rate for every less Sum than the Sum of One hundred Pounds; and every such Officer and Person so to be appointed as aforesaid, shall upon Demand, at such Time and Times, and in such Manner as the said Commissioners shall direct, deliver to such Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing, signed by him of all Monies, Matters, and Things received and committed to his Charge by virtue and for the Purposes of this Act, and how much of such Monies hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and also the Books, Papers, and Writings in his Custody or Power relating to the Proceedings to be held under this Act, and shall pay all such Monies as shall appear, upon Balance of his Accounts, to be due to the Treasurer to be appointed as aforesaid, or to such Person or Persons, at such Time and Place, as the

For appoint-
ing Officers.

Commission-
ers to take
Security from
Officers for
the due Exe-
cu ion of their
Offices;

who are to
deliver proper
Accounts, &c.

said

Commissioners may bring Actions against Officers making Default, &c.

Officers not paying Balances, to suffer Distress and Sale.

Officers refusing to deliver up Papers may be committed to Prison.

said Commissioners shall appoint; and every such Officer and Person so accounting as aforesaid, shall upon Oath or Affirmation if thereunto required by the said Commissioners, verify such Accounts; and in default of any of the several Matters aforesaid, for the Space of Eight Days after being thereunto required as aforesaid, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to bring or cause to be brought an Action or Actions in any of His Majesty's Courts of Record at *Westminster*, in the Name of their Clerk for the Time being, against the Officer or Officers, Person or Persons, making such Default as aforesaid, for the Recovery of the Monies which shall be in the Hands of such Officer or Officers, Person or Persons respectively, with full Costs of Suit; or if the Complaint shall be made by the said Commissioners, or by any Person or Persons, to be by the said Commissioners appointed to make Complaint of any such Default as aforesaid, to any Justice of the Peace for the County or Place where the Party making Default shall be or reside, such Justice may and is hereby authorized and required, by Warrant under his Hand and Seal, to cause the said Officer or Officers, Person or Persons, so making or having made Default, to be brought before him, and upon his or their appearing (or not appearing, except for some reasonable Excuse) to hear and determine the Matter of such Complaint in a summary way; and if upon the Confession of the Party, or by the Testimony of one or more credible Witness or Witnesses upon Oath or Affirmation, it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, or unaccounted for, then such Justice may and is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively, together with the Costs and Charges of making the said Complaint, and of such Distress and Sale; and if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges as aforesaid; or in case of Refusal to account as aforesaid, or that it shall appear to such Justice, by the Confession of the Party so offending or making Default as aforesaid, or by the Testimony of any one or more credible Witness or Witnesses upon Oath or Affirmation as aforesaid, that any Books, Papers, or Writings relating to the Execution of this Act, or the Proceedings to be had under the same, shall be in the Custody or Power of any such Officer or Person, and he shall refuse to deliver up the same as aforesaid, then and in any of the Cases aforesaid, such Justice shall commit every such Offender to the Bridewell or House of Correction in the said Town of *Cheltenham*, or to any other Bridewell, Prison, or House of Correction in or for the said County of *Gloucester*, at the Discretion of such Justice, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Commissioners, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners are hereby empowered to make), or until such Person shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof: Provided always, that no Person who shall be committed as aforesaid, shall remain or be kept in Prison for any longer Space of Time than Six Calendar Months.

XII. Provided

XII. Provided always, and be it further enacted, That as often as any Collector or Receiver of the Monies to be raised by virtue of this Act, shall die, or become incapable of acting in the Execution of this Act, or shall neglect to perform his Duty therein, it shall be lawful for the said Commissioners, or any Five or more of them, although not assembled at a Meeting to be held pursuant to this Act, by any Writing under their Hands, to appoint another Person to be Collector or Receiver thereof, until a Collector or Receiver shall be appointed by the said Commissioners at a Meeting to be holden in pursuance of this Act; any Thing herein contained to the contrary notwithstanding.

Commissioner may appoint a Receiver occasionally, in case of Death or Removal.

XIII. And be it further enacted, That if any Person who shall be employed as Treasurer, Clerk, Assessor, Collector, Receiver, Surveyor, or any other Officer or Servant who shall be in anywise employed by the said Commissioners in putting this Act or any of the Powers thereof in Execution, shall exact, take, or accept, by any Ways or Means, any Fee, Profit, or Reward whatsoever (other than such Salaries, Allowances, and Rewards as shall be appointed, allowed, and approved of by the said Commissioners) for or on Account of any Thing done or to be done by virtue of this Act, or on any Account whatsoever relative to putting the same in Execution, or shall in any way be directly or indirectly concerned or interested in any Sale, Purchase, Bargain, or Contract made or to be made by or by Order of the said Commissioners, for the Purpose of putting this Act in Execution, (unless with the Consent and Approbation of the said Commissioners) every such Person so offending shall be incapable of ever serving or being employed for any of the Purposes of this Act, and shall likewise forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, within Six Calendar Months after the Offence committed, with full Costs of Suit, in which Suit or Prosecution no Effoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

Penalty on Officers taking any Fee or Reward besides the Salary.

XIV. And be it further enacted, That the said Commissioners shall cause proper Books to be provided and kept, in which they shall, either by themselves or their Clerk for the Time being, cause fair and regular Entries and Accounts to be made of the several Meetings held in pursuance of this Act, and the Names of the Commissioners present thereat respectively, and of the Nomination of all Officers and Persons to act in the Execution thereof, and of all Acts, Orders, Rules, Resolutions, Proceedings, Matters, and Things relative to the Execution of this Act; and also an Account of all Monies to be assessed and raised, or to be received and payable by virtue hereof, and of the Payment and Application of the same, and of all Contracts to be made by any Person or Persons by virtue or in pursuance of this Act; all which said Accounts shall be examined, adjusted, and settled by the Commissioners present at any Meeting to be held in pursuance of this Act, quarterly at least, or oftner; and the Commissioners so examining, adjusting, and settling such Accounts, shall subscribe their Names at the Foot of such Accounts, and such Commissioners present as aforesaid shall also subscribe their Names at the End of their Proceedings at every such Meeting; and all Entries in the Books of such Proceedings, being signed by the Commissioners assembled thereat, and making and ordering the same, by virtue or in pursuance of this Act, shall

Books to be kept of Proceedings.

be deemed Originals, and the same, or true and attested Copies thereof, shall be admitted to be Evidence in any Court whatsoever, and such Books shall be kept by the Clerk for the Time being to the said Commissioners, or by such other Person or Persons, and at such Place as the said Commissioners shall direct, and the same shall respectively, at all convenient and reasonable Times; without Fee or Reward, be open and liable to the Inspection of the said Commissioners, and of all Persons rated and assessed for the Purposes of this Act, or otherwise affected thereby.

Provision for
bringing and
defending
Actions in the
Name of the
Clerk.

XV. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk for the Time being, and that all Actions or Suits that may be necessary or expedient to be brought by the said Commissioners for the Recovery of any Penalty or Sum of Money due or payable by virtue of this Act to the said Commissioners, or for or in respect of any other Matter or Thing relating to this Act, may be brought in the Name of the said Clerk; and that no Action or Suit which may be brought, commenced, or prosecuted by or against the said Commissioners, or any of them, by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk; or by any Act or Default of such Clerk done or suffered, without the Consent or Direction of the said Commissioners, but the Clerk to the said Commissioners for the Time being shall be always deemed Plaintiff or Defendant in every such Action or Suit, as the Case may be, except in such Action or Actions as shall be prosecuted between the said Commissioners and their Clerk for the Time being, in which Action or Suit any one of the said Commissioners shall and may be Plaintiff or Defendant, as the Case may be.

Clerk to be
reimbursed,
&c.

XVI. Provided always, and be it further enacted, That every such Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expences as such Clerk shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein, and shall not be personally answerable or liable for the Payment of the same or any Part thereof, unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default, or have been brought or commenced, or be defended, without the Order or Direction of the said Commissioners.

Pavements
etc. vested in
the Commis-
sioners.

XVII. And be it further enacted, That all the present and future Pavements, Flagstones, and Kirbstones in the several Streets, Squares, Crescents, Lanes, and other publick Passages and Places, within the said Town and the Suburbs thereof, and all Carriage or Footways, or Passages, which shall hereafter be made under or by virtue of this Act, and the Stones, Gravel, and other Materials belonging thereto respectively; and also all Lamps, Lamp Irons, Lamp Posts, Watch Boxes, Watch Houses, and other Houses and Buildings erected or fixed up, or to be erected or fixed up, by virtue of the said recited Act, or of this Act, and all Materials and other Things purchased or provided by the said Commissioners for the Purposes of this Act or the said recited Act, shall belong to and be the Property of, and the same are hereby vested in the said Commis-
ers,

ers, and the said Commissioners shall and may cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment (as the Case may require) against any Person or Persons who shall steal, take, or carry away, detain, spoil, injure, or destroy the several Articles and Things hereby vested in them the said Commissioners as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively, it shall be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of 'The Commissioners for the Improvement of the Town of *Cheltenham*,' without particularly mentioning or specifying the Name or Names of all or any of such Commissioners; and the said Commissioners shall have full Power and Authority, from Time to Time, to sell and dispose of, (for the Purposes of this or the said recited Act), all or any of the said Articles and Things, or any Part or Parts of the same respectively, to such Person or Persons, and in such Manner, as they the said Commissioners shall think proper; and if any Person or Persons shall wilfully or maliciously break up, injure, destroy, or otherwise damage any of the Articles or Things hereby vested in them the said Commissioners, or any of the Works done or to be done in pursuance of this Act or of the said recited Act, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

XVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to any of the Roads, Ways, or Passages which have been usually paved, amended, and repaired by the Trustees acting in the Execution of an Act, made in the Twenty-fifth Year of the Reign of His present Majesty, intituled, *An Act for amending the Roads from a Place called Piffs Elm, in the Tewksbury Turnpike Road, through Cheltenham to Elston Church; and from thence to Coombend Beeches, in the Road from Cirencester to Gloucester; and from the Market House in Cheltenham to the Burford Turnpike Road, at a Place called Pewlden Ash; and from Cheltenham to the Road from Gloucester to London, at or near Kilkenny; and from the Direction Post in Bembridge Field, through Birdlip, to join the Road from Gloucester to Bath, at or near Painswick, and at a House called The Harrow, all in the County of Gloucester,* except only so far as may be necessary for the Purposes of this Act, or such Part or Parts of the said Roads as the said Commissioners shall contract with the Trustees of such Roads for the paving, maintaining, or repairing; which Contract or Contracts it shall be lawful for the said Commissioners to make and enter into.

This Act not to include certain Roads described, except necessary.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, from Time to Time, to cause the present and future Streets, Squares, Crescents, Lanes, and other publick Passages and Places within the said Town of *Cheltenham* and the Suburbs thereof, or any Part or Parts thereof, as well the Carriage as Footways, to be paved, flagged, repaired, and amended, and the Pavements and Flagging thereof to be taken up and relaid, and the Ground thereof to be raised, lowered, or altered, from Time to Time, in such Manner and with such Materials as they the said Commissioners shall think fit; and to cause to be cut or made, in, through, over, or under

Power for Commissioners to pave the Streets, etc.

any

any of the said Streets, Lanes, Squares, Crescents, publick Passages, and Places, any new Tunnels, Gutters, Sinks, Drains, Sewers, or Water-courses for conveying the Water from the same respectively, and also to cause any of the present Gutters, Sinks, Drains, Sewers, and Water-courses to be stopped up, opened, or widened, and the Form thereof to be altered, turned, varied, or changed, in such Manner as they the said Commissioners shall think fit; and it shall be lawful for the said Commissioners to take up, and remove, or cause to be taken up and removed, all or any Posts, Rails, Pales, or Trees in such Streets, Squares, Crescents, Lanes, Passages, or Places, or any of them, as they the said Commissioners shall judge useless, or to be a Nuisance or Obstruction to Foot Passengers, Horses, or Carriages, and to erect and set up any other Posts, Rails, or Pales, in any Place or Places as they shall think proper, for the better Security of Passengers or Carriages, or of the said Pavements or Kirbstones from Damage by Waggon, Carts, or other Carriages.

For getting
Materials to
repair the
Streets, etc.

XX. And be it further enacted, That it shall be lawful for the Surveyor or Surveyors to the said Commissioners, and for all such Persons as he or they respectively shall appoint, to search for, cut, dig, get, gather, and take away any Stones, Gravel, Sand, or other Materials for making or repairing the Highways, Streets, Roads, Paths, or Passages within the said Town and the Suburbs thereof, authorized to be made, paved, amended, and repaired by the said Commissioners by virtue of this or the said recited Act, out of or from any Common or Waste Ground, River, or Brook in the Parish of *Cheltenham*, or in any neighbouring Parish, Township, Hamlet, Division, District, or Place, without paying any Thing for the same, the said Surveyor or Surveyors, or other Person or Persons acting by his or their Appointment, filling up the Pits or Quarries, levelling the Ground, or sloping down the Banks wherefrom such Materials shall be taken, or railing or fencing off such Pits or Quarries, so that the same may not be dangerous to Passengers or Cattle; and also that such Surveyor or other Person as aforesaid may, by Order of the said Commissioners (such Order to be made at some Meeting of the said Commissioners to be holden in pursuance of this Act, and a Copy thereof to be given to such Surveyor or Surveyors, attested and signed by the Clerk to the said Commissioners) search for, cut, dig, get, gather, and take away any such Materials as aforesaid, in, out of, or from any of the private Lands, Fields, or Grounds of any Person or Persons within any such Parish, Township, Hamlet, Division, District, or Place as aforesaid, where the same may be had or found (such Lands, Fields, or Grounds not being a Garden, Orchard, Yard, Park, Paddock, or Avenue to a House, or any Piece of Ground planted and set apart as a Nursery for Trees) making or tendering such Satisfaction for the Damages thereby done to the Lands or Grounds where and from whence the same shall be cut, dug, got, gathered, and carried away, or over which the same or any other Materials for making and repairing the said Highways, Streets, Roads, Paths, or Passages shall be carried, as the said Commissioners shall judge reasonable, but without paying any Thing for such Materials; and in case of any Difference between the said Commissioners, Surveyor or Surveyors, or other Person or Persons employed as aforesaid, and the said Owners and Occupiers, or any of them, concerning such Damages, it shall be lawful for any Two or more of the Justices of the Peace of the County

County of *Gloucester*, on Seven Days Notice thereof in Writing given by either Party to the other, or left at his, her, or their respective Place or Places of Abode, to hear, settle, and determine the Matters of such Payment and Damages; and the Judgement or Order of the said Justices shall be final and conclusive to all Parties.

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

Notice to be given to the Occupiers of inclosed Lands, before Materials are to be taken.

XXII. And be it further enacted, That if any Person or Persons whomsoever shall remove or take away any Stones or Gravel, or any Materials laid upon such Highways, Streets, Roads, Paths, or Passages, or upon any Part thereof for the Repair thereof, without the Order of the said Commissioners, or of their Surveyor or Surveyors for that Purpose; or if any Person or Persons whomsoever, shall take away any Stones or Gravel, or any Materials which have been dug or gathered by or by the Order of the said Justices or Commissioners, or their Surveyor or Surveyors, in any Lands, Fields, or Waste Grounds, River or Brook, for the Purpose of amending such Highways, Streets, Roads, Paths, or Passages, or any Part or Parts thereof, or shall get or take away any Stones, Gravel, or other Materials, out of any Pit or Quarry which shall have been made, for the Purpose of getting such Materials for amending the said Highways, Streets, Roads, Paths, or Passages, or any Part or Parts thereof, before the said Surveyor or Surveyors, or his or their Workmen shall have discontinued working therein for the Space of Six Weeks (except the Owner or Occupier of any private Ground wherein such Pit or Quarry shall have been made, and Persons authorized by such Owner or Occupier to get Materials therein for his or their own private Use only, and not for Sale) every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Penalty on taking away Materials got by Order of the Surveyor.

XXIII. And be it further enacted, That during the Time any Street, Crescent, Square, Lane, Passage, or Place shall be new paving, flagging,
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Where Materials for paving may be lodged:
OR

or repairing, or any of the Grates, Drains, or other Sewers therein shall be altering or repairing, the said Commissioners shall have Power to order the Materials necessary for such Purposes to be lodged in that or any adjoining Street, Square, Crescent, Lane, Passage, or Place, according to their Discretion, as also to stop the Way through that or any adjacent Highway, Street, Square, Crescent, Lane, Passage, or Place, so long as they shall judge necessary; and the said Commissioners, and all Persons acting by or under their Direction as aforesaid, are hereby indemnified from any Prosecution or Action whatsoever respecting the same.

Pavours and Carters to be appointed, and Horses to be purchased.

XXIV. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, to appoint such and so many Pavours, Artificers, Workmen, Labourers, Carters, and others, and also to purchase or hire such Horses, Carts, Tools, and Implements, as they shall judge necessary for the Purpose of carrying this Act into Execution.

Penalty on Persons altering the Form of the Pavement, &c. without the Consent of the Commissioners.

XXV. And be it further enacted, That no Person or Persons shall at any Time make, or cause or suffer to be made, any Alteration in the Form of the Pavement or Pitching of the Foot or Carriage Way, before, behind, or at the Side of his or her House or Houses, Building or Buildings, Ground or Land, without the Consent in Writing of the said Commissioners under their Hands first had and obtained; and that where such Alteration shall be made with such Consent as aforesaid, such Alteration shall be made, and from Time to Time repaired or altered, at the Expence of the Person or Persons to whom such Consent shall be given, or the Owner of such Premises for the Time being, and shall be made of such Materials, of such Dimensions, and in such Manner and Form, as the said Commissioners shall think proper and direct; and in case any such Person or Persons shall cause such Alteration to be made without such Consent as aforesaid, or after such Consent had shall cause the same to be made contrary to the Direction of the said Commissioners, or in case the Owner or Owners thereof shall not repair, amend, alter, or place the same, or cause the same to be repaired, amended, altered, or placed, in such Manner and within such Time as shall be expressed in a Notice to be given to him or her by the Order of the said Commissioners, then and in such Case the said Commissioners may and they are hereby authorized to cause such Alteration to be removed, altered, repaired, or placed (as the Case may be) as they shall direct or think proper; and the Charges and Expences attending the same, in case of Non-payment thereof, shall and may be levied and recovered in such and the like Manner as any Penalty is by this Act directed to be levied and recovered.

Power to make new Streets and publick Highways.

XXVI. And be it further enacted, That when any new Streets, Squares, Crescents, Lanes, Ways, or Passages shall be laid out and made in the said Town of *Cheltenham*, or the Suburbs thereof, and shall be well and effectually flagged and paved, or put in good Order and Repair to the Satisfaction of the said Commissioners, then on Application of the Owner or Owners of the Soil, or of the Owner or Owners of the adjoining Houses of such Streets, or a Majority of them, it shall be lawful for the said Commissioners, and they are hereby empowered from Time to Time, by Writing under their Hands, to declare the same to be publick Highways and Passages;

Passages; and from and after such Declaration made, such new Streets, Squares, Crescents, Lanes, Ways, and Passages as aforesaid, and every of them, shall be deemed and taken to be publick Highways and Passages to all Intents and Purposes, and be repaired and kept in Repair by the said Commissioners as the other Parts of the Streets, Squares, Crescents, Lanes, Ways and publick Passages, within the said Town or the Suburbs thereof, are by this Act directed to be managed and governed.

XXVII. And be it further enacted, That the said Commissioners shall and they are hereby authorized, empowered, and required, from Time to Time, as they shall think necessary or proper, to appoint such Number of able-bodied Men as they shall judge proper to be employed as Watchmen within the said Town and the Suburbs thereof, during the Night Time, under such Regulations and subject to such Orders as the said Commissioners shall make and give from Time to Time in that Behalf, and to provide proper Watch Houses, Watch Boxes, or Places for the Reception of such Watchmen, and for the safe Custody of such Persons as may be apprehended by such Watchmen while on Duty, and to pay such Watchmen reasonable Wages or Allowances; and also to appoint one or more fit Person or Persons in the Stead of any Watchman, or Watchmen who shall die, or who shall be discharged from his or their Office for Neglect of Duty or other Misbehaviour in Office, and also to impose, from Time to Time, any Fine not exceeding Forty Shillings on any Watchman or Watchmen for every such Neglect or other Misbehaviour, and from Time to Time to make such Orders and Regulations as they the said Commissioners shall judge expedient, for the better Government of the Watchmen to be so appointed, and to repeal such Orders and Regulations, or any of them, and to substitute others; and it shall be lawful for such Watchmen, and they are hereby required in their respective Stations, to apprehend and secure in some proper Place or Places of Security, to be for that Purpose appointed within the said Town or the Suburbs thereof, all Malefactors, Rogues, Vagabonds, disorderly Persons, and Disturbers of the publick Peace, and all suspected Persons who shall be found wandering or misbehaving themselves during the Hours of keeping Watch, and to conduct all such Persons, as soon as conveniently may be, before some Justice of the Peace for the said County of *Gloucester*, to be examined and dealt with according to Law.

Power for Commissioners to appoint Watchmen.

Watchmen's Duty.

XXVIII. And be it further enacted, That if any Victualler or Keeper of any Publick House shall knowingly harbour or entertain, or suffer to remain in his or her Publick House or Premises thereto belonging, any such Watchman as aforesaid, during any Part of the Time appointed for his being on Duty, every such Victualler or Keeper shall on Conviction forfeit and pay for the First Offence any Sum not exceeding Twenty Shillings, and for the Second and every other Offence of the same Kind, any Sum not exceeding Forty Shillings.

Penalty on Victuallers harbouring Watchmen while on Duty.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners to give such Rewards in Money to the Watchmen respectively to be appointed as aforesaid, who may be disabled or wounded in the Execution of their Office, as they the said Commissioners shall think reasonable.

Power to reward Watchmen disabled.

reasonable, such Money to be paid out of the Monies to be raised for the Purposes of this Act.

Authorizing
the Commis-
sioners to
make Bye
Laws for re-
gulating
Hackney
Coaches,
Chairs, Por-
ters, &c.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners to make, constitute, ordain, and provide, from Time to Time, such Bye Laws, Rules, and Orders, as they the said Commissioners shall think fit, for licensing and authorizing a sufficient Number of Hackney Coaches, Sedan Chairs, Porters, Basket Men and Basket Women, to ply for Hire, and for regulating and ordering such Hackney Coaches and Sedan Chairs, Porters, Basket Men and Basket Women, and in what Manner the Owners, Drivers, and Carriers thereof respectively shall conduct and demean themselves in their several Employments, and also in what Manner and Order, and how such Hackney Coaches and Sedan Chairs shall be furnished, provided, kept, and numbered, and what Number of Persons may be carried and conveyed in each of such Coaches, and what Number of Horses are to draw the same, and concerning the Letters, Parcels, Goods, Things, and Messages to be carried by such Porters, Basket Men and Basket Women, or any of them, and the respective Numbers which each of them shall have and keep, and for ascertaining, fixing, altering, and removing the Stands of such Coaches, Chairs, Porters, Basket Men and Basket Women, or any of them, from Time to Time, and for punishing the Misconduct and Misbehaviour of Hackney Coachmen, Chairmen, Porters, Basket Men and Basket Women, plying for Hire within the said Town of *Cheltenham*, and the Distances hereby provided, within which they are respectively to go and come, and for ascertaining and defining what Rates, Fares, and Prices, as well for Time as Distance, shall be allowed to be taken by such Hackney Coachmen, Chairmen, Porters, Basket Men and Basket Women, plying for Hire, and to what Distance such Hackney Coachmen, Chairmen, Porters, Basket Men and Basket Women, shall be obliged to drive, go, and come in, over, and round, and about every Part of the said Town of *Cheltenham* and the Neighbourhood, Circuit, and District thereof, not exceeding for such Coachmen Ten Miles to be measured from the Market House of the said Town of *Cheltenham*, and not exceeding for such Chairman Two Miles, to be measured from the same Place, and the Rates and Fares to be taken for the same; and also it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, to make such other Bye Laws, Rules, and Orders, as to them shall seem necessary and expedient for carrying the Purposes of this and the said recited Act into Execution (such Bye Laws, Rules, and Orders, or any Alteration thereof, not to be repugnant to any Law or Statute of that Part of the United Kingdom called *Great Britain*, or any Thing in this Act contained); and the said Commissioners may from Time to Time, as they shall think fit, repeal, alter, or amend or new make such Bye Laws, Rules, and Orders, or any of them, and shall ascertain and set down what pecuniary Penalties or Forfeitures shall be incurred by Persons breaking or avoiding the same, or any of them, provided no such Penalty or Forfeiture shall exceed the Sum of Forty Shillings for one Offence; and all such Bye Laws, Rules, and Orders, and any Alteration thereof, shall be subject to Appeal in Manner herein-after mentioned.

XXXI. Provided

XXXI. Provided always, and be it further enacted, That no such Bye Law, Rule, or Order, shall be made unless the same shall have been proposed and formed at a publick Meeting of the said Commissioners, held at some Time not less than One Calendar Month before the making of such Bye Law, Rule, or Order, and shall have been publicly made known; and Notice thereof once given in one of the Newspapers published or circulated within the said County of Gloucester, Three Weeks before the holding the Meeting at which such Bye Law, Rule, or Order, shall be finally made and agreed on.

That no Bye Law shall be valid until One Month after publick Notice given thereof.

XXXII. And be it further enacted, That if the Driver of any Coach, or the Carrier or Carriers of any Sedan Chair, or any Porter, Basket Man or Basket Woman, shall be found standing or plying for Hire, or using such Coach or Sedan Chair, or carrying any Matter or Thing for Hire, directed to be carried by a licensed Porter, Basket Man or Basket Woman, in any Part of the Town of Cheltenham aforesaid, or the Suburbs thereof, without such Licence as aforesaid, or having such Licence shall be found plying for Hire contrary to and against the Rules or Regulations which shall be made by the said Commissioners for licensing and regulating the Persons aforesaid to drive such Coach; and the Owner or Owners, Carrier or Carriers, of such Sedan Chair, and every such Porter, Basket Man and Basket Woman, so offending, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Punishing Persons plying without being duly licensed.

XXXIII. And be it further enacted, That every Licence to be granted to any of the Persons aforesaid, for the Purposes aforesaid, under this Act, shall be signed by Five of the said Commissioners at the least, present at some Meeting to be held under this Act, and every Licence not so signed shall be void; and every Licence so granted and signed for the Purposes aforesaid, shall express the Number to which such Person is licensed, and every such Licence shall continue and be in force for one whole Year from the Day of the Date of such Licence, and no one Licence shall include both Coach and Chair, nor more than one Coach or Chair, Porter, Basket Man or Basket Woman; and every such Licence shall be made out by the Clerk for the Time being to the said Commissioners, and be duly entered in a Book to be provided and kept for that Purpose in his Office, with the Name of the Person to whom licensed, and his or her Number and Place of Residence, and in such Book shall be contained Columns or Places of Entries to be made of every Offence committed by any Driver or Chairman, or any Porter, Basket Man or Basket Woman, for each of which Licences, and doing the Business aforesaid, there shall be paid to the said Clerk for the Time being, for his Trouble and Charge the following Sums; *videlicet*,

Charging certain Sums on the Licences to be granted.

For each Licence for a Hackney Coach, the Person to whom such Licence shall be granted, shall pay on granting the same, the Sum of Ten Shillings and Sixpence:

For each Licence for a Hackney Chair, the Person or Persons to whom such Licence shall be granted, shall pay on granting the same, the Sum of Five Shillings:

And for each Licence to be a Porter, Basket Man or Basket Woman, the Person to whom such Licence shall be granted, shall pay on having the same granted, the Sum of Two Shillings and Sixpence:

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And

And every Owner or Driver of any Coach, or the Carrier of any Chair, shall affix and keep such Figure or Number as shall be respectively appointed by such Commissioners as aforesaid, on some conspicuous Part of such Coach and Chair; and every such Porter shall affix and keep on his outward Garment, such Ticket or Number as he shall be respectively licensed to by such Commissioners; and every Basket Man and Basket Woman, shall affix and keep on his or her Basket the Number to which he or she shall be licensed as aforesaid; and every Owner or Driver of any Coach, or the Carrier of any Chair, and every Porter, Basket Man and Basket Woman, changing his or her Place of Residence, after the granting the Licence to them respectively for the Purposes aforesaid, shall, within the Space of Seven Days next after, and as often as any such Change shall be made, during the Continuance of such Licence, deliver in Writing his or her Name, and to what Street or Place he or she is removed, to the Clerk for the Time being of the said Commissioners, to the End that the same may be duly entered in such Book to be kept by the said Clerk for the Purposes aforesaid, and the Person more easily discovered, if any Complaint should be made against him, her, or them; and every Owner or Driver of such Coach, or Carrier or Carriers of such Chair, and every Porter, Basket Man and Basket Woman, shall for every Refusal or Neglect to do the Matters and Things herein-before directed to be done by him, her, or them, forfeit any Sum not exceeding Twenty Shillings.

Inflicting a
Penalty on
Persons not
paying
Hackney
Coachmen,
etc. or injur-
ing any
Coach, Chair,
or Basket.

XXXIV, And be it further enacted, That if any Person or Persons shall refuse or neglect to pay on Demand any licensed Hackney Coachman or Chairman, Porter, Basket Man or Basket Woman, the Money justly due to him, her, or them, for the Fare, Hire, or Service done under or in pursuance of any Licence or Bye Law made in pursuance of this Act, it shall be lawful for any one or more Justice or Justices of the Peace of and for the said County of *Gloucester*, upon any Complaint thereof made to him or them, to grant his or their Summons against the Person or Persons complained of, to appear before him or them at some Time and Place to be mentioned in such Summons, to answer the Matter of the said Complaint; and on Proof on Oath of the Service thereof, such Justice or Justices shall proceed to hear the Matter of the said Complaint on Oath, whether the Person summoned shall appear or not, and to make such Order therein as to such Justice or Justices shall appear to be just; and if the Person or Persons against whom such Order shall be made, do not immediately pay down or cause to be paid down the Money, if any shall be ordered, as a Satisfaction to the Person or Persons for the Service done, it shall be lawful for such Justice or Justices, and he and they is and are hereby required and directed to grant his or their Warrant of Distress against the Goods and Chattels of the Person or Persons so refusing or declining to pay, to be taken in any Place wherever found, within or without the said Town of *Gloucester*, and the same to sell and dispose of, and out of the Monies arising by or from such Sale, to pay the Monies awarded, to the Person or Persons to whom awarded, together with such Costs as such Justice or Justices shall think reasonable, returning the Overplus, if any, upon Demand to the Owner of the Goods and Chattels so distrained, and if no sufficient Distress can be found, then to commit the Person or Persons, against whom such Order shall be made, to the Bridewell or House of Correction

Correction in the Town of *Cheltenham* aforesaid, or to any other Bridewell, Prison, or House of Correction in or for the said County of *Gloucester*, for any Time not exceeding Three Calendar Months, there to remain, without Bail or Mainprize, unless the Money is sooner paid.

XXXV. And be it further enacted, That all Offences, Misbehaviours, Punishments, Penalties, and Forfeitures that may arise, happen, or be incurred, committed, or done by any Owner or Driver of any Hackney Coach, or any Carrier or Carriers of any Sedan Chair, or any Porter, Basket Man or Basket Woman, whether licensed or not, against any of the Provisions of this Act for licensing or regulating all or any of the Persons, Matters, or Things aforesaid, or against any Bye Law to be made by the said Commissioners for the Purposes of licensing and regulating the several Persons aforesaid, shall be tried, heard, and determined by any one or more Justice or Justices of the Peace for the said County of *Gloucester*, who on Complaint made thereof to him or them, is and are hereby authorized and required to grant or issue his or their Summons in Writing against the Person or Persons so complained of, (specifying therein the Complaint so made) to appear personally before him or them, on some Day or Time to be mentioned in such Summons, to answer the said Complaint; and if such Person or Persons, being served with such Summons, (or such Summons being left at his or her House or last Place of Abode) shall not appear at the Time and Place appointed by such Summons, and no reasonable Excuse appearing to the Satisfaction of the said Justice or Justices why he, she, or they did not appear, to be allowed of by such Justice or Justices, and on Oath being made of the due Service of such Summons in the Manner aforesaid, it shall be lawful for such Justice or Justices to grant his or their Warrant for apprehending such Person or Persons, and to bring him, her, or them before such Justice or Justices to answer the said Complaint; and upon the said Complaint, and the said Person or Persons so complained of appearing before such Justice or Justices, or in case the said Person or Persons so complained of cannot be found or apprehended or shall not appear, then and in either of the said Cases it shall be lawful for such Justice or Justices to proceed in, hear, and determine the Matter of the said Complaint on Oath, (and the Testimony of the said Complainant on Oath is hereby made competent, where no Part of the Penalty is to go or be applied to and for his or her Use) and to make such Order therein as to him or them shall appear just, touching such Complaint, and for paying the Costs attending the Application, Hearing, and Determination of the same, and such Person or Persons so complained of is and are hereby required to obey such Order; and in case of any Disobedience of such Order, or in case any such Person or Persons shall be convicted before such Justice or Justices of any of the Penalties or Forfeitures under this Act, or any Bye Law to be made as aforesaid, and shall not immediately pay such Money or Penalty of which he, she, or they shall be convicted before such Justice or Justices on Demand, to be applied to the Uses after-mentioned, that then and in case of Non-payment thereof, it shall be lawful for such Justice or Justices before whom any such Complaint hath been heard and determined, to grant his or their Warrant of Distress against the Goods and Chattels of such Person or Persons, and to seize and distrain the same in whatsoever Place the same may be found, whether within the said Town of *Cheltenham*, or in any other Place

Prescribing
the Mode of
punishing Of-
fenders.

Place without the said Town of *Cheltenham*, and the same to sell and dispose of for raising such Monies, and all Costs attending the same, and the same Money to pay and apply to and for the Uses and Purposes hereinafter directed; and after Payment and full Satisfaction thereof, together with the Costs attending the same, to return the Overplus Money or Goods (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall be so distrained and sold for the Purposes aforesaid; and in case such Person or Persons against whom any such Order shall be made for the Payment of such Monies, shall not have any Goods or Chattels to distrain on to pay the same, or none shall be found sufficient to answer and pay the same, or in case of any Disobedience of such Order, it shall in either Case be lawful for such Justice or Justices to commit such Person or Persons, so convicted as aforesaid, to any such Prison, Bridewell, or House of Correction as aforesaid, for any Time not exceeding Three Calendar Months, there to remain without Bail or Mainprize (unless the Money mentioned in such Order, if it be an Order for Payment of Money, shall be sooner paid) or to suspend such Person or Persons from using or exercising his, her, or their Licence or Licences, for all or any of the Purposes aforesaid, for all or any Part of the Remainder of the Time for which such Licence or Licences was or were granted, or to take away wholly such Licence or Licences, at the Option of such Justice or Justices.

Application
of the Penalties.

XXXVI. And it is hereby further enacted and declared, That all Fines and Forfeitures to be recovered of any Driver or Owner of any Hackney Coach, or any Chairman, Porter, Basket Man or Basket Woman, shall be applied to the general Purposes of this Act.

Copies of the
Laws to be
affixed on the
Church Door,
Pump Rooms,
and Market
Place.

XXXVII. And be it further enacted, That all Bye Laws, Rules, and Orders, to be from Time to Time made by the said Commissioners in pursuance of this Act, for the licensing and regulating the Owners and Drivers of every Coach for Hire, and of the Chairmen carrying any Chairs for Hire, or of Porters, Basket Men and Basket Women, to be employed and licensed as aforesaid, shall be fairly written or printed, and shall be signed by the said Clerk for the Time being to the said Commissioners, and Copies thereof shall be hung up or placed in some conspicuous open Place in the respective Pump Rooms at the different Spas, and also affixed on the Market Place, and on the principal outer Door of the Parish Church of *Cheltenham* aforesaid.

Act not to
prevent the
Use of private
Carriages or
Chairs.

XXXVIII. Provided always, and be it further enacted, That this Act, or any Thing herein contained, or any Bye Law, Rule, or Order, to be made by the Commissioners for any of the Purposes aforesaid, shall not extend, or be construed to extend, to prohibit or hinder any Person or Persons from having or using his, her, or their own Coach or Chair within the Districts aforesaid, so as the same be not used for Hire or plying for Hire.

Persons not
to be pre-
vented from
employing
their own
Servants, &c.
as Porters, etc.

XXXIX. Provided always, and be it further enacted, That nothing herein contained shall prevent, or be construed to prevent, any Person from employing his or her own Servant, or the Servant or Servants of any other Person or Persons, or any Labourer or Person who does not follow the

the Business of a Carrier, Chairman, Porter, or Labourer, in or about the Matters or Things herein-before directed to be carried or done by any such licensed Porter or Labourer; any Thing herein contained to the contrary notwithstanding.

XL. And be it further enacted, That the said Commissioners at any of their Meetings shall and may and they are hereby required to order and cause to be placed, on some conspicuous Part of some House or Building at or near each End, Corner, or Entrance of the several Streets, Crescents, Squares, Lanes, and other publick Passages already erected or made, or hereafter to be erected or made, within the said Town of *Cheltenham* or the Suburbs thereof, the Name by which every Street, Passage, or Place is usually or shall be called or known; and also shall and may cause every House, Shop, Warehouse, or Building, to be marked and numbered in such Manner as they shall think most proper for distinguishing the same; and if any Person or Persons shall wilfully or maliciously destroy, pull down, injure, obliterate, or deface any such Name, Inscription, or Number, or any Part thereof, or cause or procure the same to be done, every such Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Names of the Streets to be set up, and Houses numbered.

XLI. And be it further enacted, That when any such Number or Numbers, painted or put on any House, Tenement, or other Premises, within the said Town or the Suburbs thereof, shall be defaced or rubbed out, the Owner or Owners, Occupier or Occupiers, of such House, Tenement, or other Premises, where the Number or Numbers shall be so defaced or rubbed out, shall upon Personal Notice given to him, her, or them, or upon Notice in Writing left at such House, Tenement, or other Premises, signed by the Clerk to the said Commissioners, cause the same Number or Numbers, to be in the same or like Manner painted or put on such House, Tenement, or other Premises, within Seven Days after such Notice; and in case of Neglect or Refusal to comply with such Order, every such Owner or Occupier shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings.

Penalty on not restoring Numbers defaced.

XLII. And be it further enacted, That if any Person or Persons shall upon any of the present or future Pavements of the Streets, Squares, Crescents, Ways, Lanes, Passages, and publick Places, now made or built, or which shall hereafter be made or built, within the said Town of *Cheltenham* and the Suburbs thereof, and used as a Footway, or upon any other Footway designed and appointed as a Footway only, run, draw, drive, or carry thereon any Truck, Wheel, Sledge, Wheelbarrow, Bier, Handbarrow, or Carriage whatsoever; or shall roll any Cask (other than for the necessary loading or unloading thereof) in, upon, from, or out of any Carriage; or shall thereon wilfully ride, lead, or drive any Cattle or Beast of any Kind; or shall in any of such Streets, Squares, Crescents, Lanes, Passages, or publick Places as aforesaid, expose to Sale any Horse, Mare, Gelding, Ass, Pig, Sheep, Bull, Cow, or other Beast in any Part of the said Town or the Suburbs thereof (except such Part or Parts thereof as shall from Time to Time be fixed and appointed by the said Commissioners); or shall burn, dress, or cleanse any Cork, or shall hoop, fire, cleanse, wash, or scald any Cask, or empty any of the Contents of such

Certain Acts not to be committed in the Streets.

[Loc. & Per.]

26 Y

Cask

Cask therein; or set or place any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Box, Pail, Bucket, or any other Matter or Thing in the Front of or before any House, Shop, or other Building; or shall hew, saw, or cut any Stone, Wood, or Timber, or bore any Timber (except for the Purpose of rebuilding, altering, or repairing any House or Building in the Manner herein mentioned, or for any of the Purposes by this Act required or authorized to be done, in which Cases the same shall, if the Commissioners shall think proper and direct, be fenced and inclosed in the Manner herein-after mentioned); or shall make or repair, or place or leave any Coach, Waggon, Cart, Sledge, or other Carriage, or Part of a Carriage, in any of such Streets, Squares, Crescents, Ways, Lanes, Passages, or publick Places (except such Carriages as may want immediate repairing from any sudden Accident on the Spot, or which cannot conveniently be removed for that Purpose); or shall shoe, bleed (except in Cases of Accidents) or turn loose any Horse, Mare, Gelding, Ass, Pig, Sheep, Bull, Cow, or other Beast therein; or if the Driver of any Waggon, Cart, Sledge, Wheels, or other Carriage, or Part of a Carriage, shall in any Part of the said Parish, ride on the Shafts, or in or on any Part of such Waggon, Cart, Sledge, or other Carriage, or Part of a Carriage, without Reins, or on any of the Horses or Cattle drawing the same, or if any Person or Persons having the Care thereof or driving the same (not being a Cart or Caravan, driven by a Person with Reins, and sitting therein) shall not readily and promptly turn out of the Road on meeting Horses and Carriages, so as to leave proper and sufficient Quarter for such Horses and Carriages; or if any Person or Persons shall draw any Timber, Block or Blocks of Wood, or Stone, or other heavy Materials, in, upon, or through any of the aforesaid Streets, Squares, Crescents, Ways, Lanes, Passages, or publick Places, without any Nib or Carriage, or with such Nib or Carriage, to the Detriment thereof; or shall shew or expose any Stallion or Stonehorse, or shall expose to Sale any Horse or other Beast, otherwise than in any publick Market or Fair, to be held in such Place within the said Town or the Suburbs thereof, as the said Commissioners shall appoint; or shall make any Bonfire, or let off or fire any Musket, Gun, or Pistol, or any Crackers, Squibs, or other Fireworks; or if any Person shall sift, throw, cast, or lay any Ashes (except in the Time of Frost only, and to prevent Accidents) or any Dust, Muck, Dung, Soil, Filth, Rubbish, Refuse of Garden Stuff, Blood, Offal, Carrion, or any other offensive Matter or Thing, in any of the present or future Streets, Squares, Crescents, Ways, Lanes, Passages, or publick Places, within the said Town or the Suburbs thereof; or shall hang up, place, or expose to Sale, any Goods, Wares, or Merchandizes whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butchers Meat, or other Matter or Thing, on or projecting over the Foot or Carriage Way of such Streets, Squares, Crescents, Ways, Lanes, Passages, and publick Places, so as to obstruct or incommode the Passage of any Person or Carriage therein; or if any Person or Persons shall kill or slaughter, or shall singe, scald, dress, or cut up any Animal, either wholly or in part, in any of such Streets, Squares, Crescents, Ways, Lanes, Passages, or publick Places aforesaid, or cause or permit any Blood to run from any Slaughter House, Butchers Shop, or Shambles, into the same or any of them; or shall fix up any Flower or Bowpot or Pots at any Window or Windows, without sufficiently guarding the same, so as to prevent their being blown or thrown down; or if any Person or Persons shall commit any other Kind
of

of Obstruction or Annoyance in any Part of any such Squares, Streets, Ways, Lanes, Passages, or publick Places as aforesaid, the same shall be considered as an Offence or Offences against this Act, and every Person so offending in any of such Cases, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

XLIII. And be it further enacted, That if any Horse, Mare, Gelding, Ass, Bull, Sheep, Cow, or other Beast, shall at any Time be found wandering about any of the Streets, Squares, Crescents, Ways, Lanes, publick Passages or Places, now made or hereafter to be made or built within the said Town of *Cheeltenham* or Suburbs thereof, it shall be lawful for any Officer or Officers to be appointed by the said Commissioners, or for any of the Inhabitants or Persons residing in the same Town, to seize and impound such Horse, Mare, Gelding, Ass, Bull, Sheep, Cow, or other Beast in the common Pound of the said Town, or in such other Place as the said Commissioners shall appoint, and the same there to detain until the Owner or Owners thereof shall, for each Beast or other Animal so impounded, pay a Sum of Money not exceeding Twenty Shillings to the Treasurer for the Time being to the said Commissioners, towards the Purposes of this Act, and also the Sum of Two Shillings to the Person impounding the same, besides the reasonable Charges and Expences of impounding and keeping; and in case the said Sums, Charges, and Expences shall not be paid within Three Days after such impounding, it shall be lawful for the Pound Keeper, or such other Person as shall be appointed by the said Commissioners for that Purpose, to sell, or cause any such Beast or other Animal to be sold; but previous to such Sale Seven Days Notice shall be given to or left at the Dwelling House or Place of Abode of the Owner or Owners of such Beast or other Animal so impounded, of such intended Sale, or such intended Sale shall be advertised in the *Gloucester Herald* or *Journal*, or in some other Newspaper usually circulated in the said County of *Gloucester*; and the Money arising from such Sale, after deducting the said Sums, and the Charges and Expences aforesaid, and such other Charges and Expences as may attend the keeping and Sale of any such Beast or other Animal so impounded, shall be paid to the said Treasurer, to be by him paid to the Person or Persons whose Property the Beast or other Animal so sold shall appear to have been.

Beasts wandering in the Streets may be impounded.

XLIV. And be it further enacted, That in case any Slaughter House, Hogstye, Necessary House, or other noisome or offensive Building or Place whatsoever, in or near any of the Streets, Squares, Crescents, Lanes, publick Passages, or Places, within the said Town or the Suburbs thereof, shall by the said Commissioners be deemed a Nuisance to any of the Inhabitants or Persons residing therein, it shall and may be lawful to and for the said Commissioners, upon Complaint thereof to them made by any such Inhabitant or other Person or Persons, by Notice in Writing under the Hands of the said Commissioners, or under the Hand of their Clerk for the Time being, to order any such Nuisance or Offence to be removed; and in case the same shall not be removed within Fourteen Days after such Notice given to the Person or Persons who ought to remove the same, or left at his, her, or their last usual Place of Abode, such Person or Persons shall forfeit and pay any Sum not exceeding Ten Shillings for every Day the same shall continue unremoved after the Expiration of the Time mentioned in such Notice.

For Removal of Nuisances

X LV. And

Streets to be watered.

XLV. And be it further enacted, That the said Commissioners shall have full Power and Authority to cause the said Streets, Squares, Crescents, Lanes, publick Passages or Places, to be watered, as often as they shall think fit, and for that Purpose to purchase or hire such Number of Water Carts, and employ such Number of Persons as they may deem necessary, and also to cause any Water Pipe or Water Pipes to be laid, or any Well or Wells to be dug and sunk, and any Pump or Pumps, or other Works, to be erected in such Places as they shall think proper, within the said Town or the Suburbs thereof, for the Purpose aforesaid, and to cause the same to be removed or altered, as they shall see Occasion; and all the Expences attending the same, shall be defrayed out of the Monies to be raised by virtue of this or the said recited Act.

Drains not to branch into publick Sewers.

XLVI. And be it further enacted, That no Person or Persons shall, without the Leave or Licence of the said Commissioners, make or branch any Drain or Drains into any of the said publick Sewers, Drains, or Vaults, made or to be made by virtue of this or the said recited Act, upon Pain that every Person so offending shall for every such Offence forfeit and pay the Sum of Twenty Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, in the Name of the Clerk to the said Commissioners for the Time being, in which Action or Suit no Protection, Essoign, or Wager of Law, or more than one Imparance shall be allowed.

Private Drains to be cleaned.

XLVII. And be it further enacted, That all private Drains which now are, or by Permission of the said Commissioners shall hereafter be made within any of the Streets, Squares, Crescents, Lanes, and publick Places of the said Town of Cheltenham or its Suburbs, and which do or shall issue into any of the publick Sewers, Drains, or Vaults, shall be repaired and cleaned under the Inspection and Direction of the Surveyor or other proper Officer of the said Commissioners, at the Costs and Charges of the Owner or Owners, Occupier or Occupiers, of the Lands or Tenements to which the said private Drains do or shall respectively belong.

Penthouses, Signs, and other Things projecting into the Street, or which are inconvenient to be removed.

XLVIII. And be it further enacted, That from and after the Commencement of this Act, the Water at the Tops or Roofs of all Houses and other Buildings now or hereafter to be made or built within the said Town of Cheltenham or its Suburbs, shall (if not conveyed into private Cisterns or Reservoirs belonging to such Houses or Buildings) be conveyed by Pipes to be fixed to the Fronts or Sides thereof respectively, into the common Channels or Drains, within Three Calendar Months after a Day to be expressed in a Notice in Writing under the Hands of the said Commissioners, or their Clerk for the Time being, to be for that Purpose given to or left at the last or usual Place of Residence of the Owners or Occupiers of such Houses or Buildings; and that all Penthouses, Bow Windows, Shutters, Signs, Sign Posts, Shew Boards, Spouts, Pales, Rails, Grates, Steps, Scrapers, Projections, or other Matters or Things whatsoever, which in the Judgement of the said Commissioners shall be inconvenient to or incommode Passengers upon any of the present or future Footways or Carriage Ways of the several Streets, Squares, Crescents, Ways, Lanes, Passages, or publick Places within the said Town or the Suburbs thereof as aforesaid, shall within Fourteen Days after a Day expressed in a like Notice

Notice to be for that Purpose given to or left as aforesaid, be taken down, filled up, removed, or altered, by or at the Expence of the Owner or Owners thereof, under the Inspection and Direction of the Surveyor or other proper Officer of the said Commissioners; and in case the respective Owners or Occupiers shall neglect or refuse to obey such Notices, and to observe and perform the several Matters and Things hereby respectively required to be done within the Time aforesaid, then every Person so neglecting or refusing to pay, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings for every Week the same shall so remain undone, and then also it shall and may be lawful for the said Commissioners to cause the same to be taken down, filled up, removed, altered, and fixed, in the Manner and for the Purposes aforesaid, and shall return or cause to be returned to the respective Owners thereof, or to be left on the Spot from whence the same shall be so respectively removed, or as near thereto as conveniently may be for such Owners, so much of such Matters and Things as aforesaid as shall not be affixed or set up, or otherwise made use of in the Alterations directed by this Act, and the Charges and Expences attending the same shall be recovered of the Owners or Occupiers thereof respectively, in the same Manner as any Penalties or Forfeitures inflicted by this Act are hereby directed to be recovered on Non-payment; and if such Owners or Occupiers shall cause such Matters and Things to be placed, erected, built, or made contrary to the Directions or Intention of this or the said recited Act, every such Owner, for every Week he shall so offend, shall forfeit and pay any Sum not exceeding Twenty Shillings, or otherwise it shall be lawful for the said Commissioners to order the same to be taken down, filled up, removed, or altered in such Manner as they shall think proper, without giving any Notice to the Owner or other Person offending therein, and the Charges and Expences attending the same shall or may be recovered of the Person or Persons so offending, in the same Manner as is last hereinbefore directed: Provided always, that in case any Occupier or Occupiers of any such Houses or other Buildings shall be required to make such Alterations, Matters, and Things as aforesaid, then it shall be lawful for him or them to deduct or retain the Costs, Charges, and Expences of doing thereof, out of his, her, or their Rent; and his, her, or their Landlord or Landlords is and are hereby required to allow the same accordingly.

XLIX. Provided also, and be it further enacted, That in all Cases where any such Alterations as aforesaid shall be made to any House or Building wherein any Person or Persons shall have any Estate for Life or Lives, or any greater Estate, Term, or Interest, than for Twenty-one Years, such Person or Persons shall be and be deemed the Owner or Owners of such House or Building, for the Purpose of such Alterations being made as aforesaid; any Thing herein contained or any Law or Custom to the contrary notwithstanding.

Persons having greater Estate than Twenty-one Years, deemed Owners, for the Purpose of paying Expences of Reparations.

L. And be it further enacted, That the Ground whereon any House, Wall, or other Building shall at any Time hereafter be taken or taking down, or erecting, altering, repairing, or amending, shall be fenced and inclosed at the Expence of the Owners or Occupiers thereof respectively, in such Manner as the Commissioners shall think proper or necessary, in

The Ground of Houses taken or taking down or building, to be inclosed.

[Loc. & Per.]

26 Z

order

order to keep the Footways and Carriage Ways before, behind, on the Sides of, or belonging to the same, as open and free from Impediment as the Nature of the Case will admit of, and effectually to guard and protect all Persons passing by or near the same, or any Part thereof, from Danger or Accident from any Hole, Vault, Area, Timber, Stones, Materials, or Things made, brought, placed, or used in, about, or relating to such Ground, Place, House, or Building respectively, during such taking down, building up, altering, repairing, or amending, whereby or in consequence whereof the Carriage Way and Footway before, behind, on the Sides of, or belonging to such House, Wall, or Building, or either of the said Ways, shall be in any Manner obstructed or rendered dangerous or unsafe to Persons passing by or near such House, Wall, or Building; and the Fences and Inclosures to be made in respect of any House, Wall, or Building which shall or may hereafter be taken down, erected, altered, repaired, or amended, shall be made before such House, Wall, or Building shall be begun to be taken down, erected, altered, repaired, or amended, and all the Fences and Inclosures hereby directed to be made for all or any of the Purposes aforesaid, shall be continued standing and in good Condition, during such Time as the said Commissioners shall order and direct; and no Lime shall be sifted, screened, or flaked, or Lime or Sand deposited, or Mortar made or deposited in any of the said Streets, Squares, Crescents, Lanes, and publick Passages, unless the same shall be inclosed in some Fence or Inclosure as aforesaid; and if the Owner or Occupier of any such Ground, Place, House, Wall, or Building as aforesaid, shall refuse or neglect to erect and set up any such Fences or Inclosures as aforesaid, or shall not continue the same standing and in good Condition as aforesaid, or shall sift, screen, or flake any Lime, or deposit any Sand, or make or deposit any Mortar, otherwise than as aforesaid, then and in either of the said Cases every such Owner or Occupier shall for every Day such Offence shall be continued, forfeit and pay any Sum not exceeding Forty Shillings, and moreover in case of such Refusal or Neglect, it shall be lawful for the said Commissioners to cause such Ground, Place, House, Wall or Building to be well and sufficiently fenced in and inclosed as aforesaid, or the Fence or Inclosure then erected and set up to be well and sufficiently repaired, as the Case shall require, and such Fence or Inclosure to be so continued standing as aforesaid; and the Person or Persons so refusing or neglecting as aforesaid shall, over and above the said Penalty, pay all the Charges and Expences of making such Fences and Inclosures, or repairing the same, upon Demand made by the said Commissioners, or by their Clerk, and upon Refusal the same shall or may be recovered in such Manner as any Penalty or Forfeiture by this Act inflicted, is herein directed and authorized to be recovered.

Penalty on Persons neglecting or refusing to fence.

New Buildings to have Party Walls of a certain Thickness, and no Building to be covered with Thatch.

LI. And for the better preventing Damage by Fire within the said Town and the Suburbs thereof, be it further enacted, that if any Person shall erect or build, or cause to be erected or built, any House or other Building adjoining to any other House or Houses, Building or Buildings, within the said Town or the Suburbs thereof, unless the End or Side of such new House or other Building, which shall adjoin any such other House or Building shall consist of a Party or Division Wall of Brick or Stone, of the Thickness of Twelve Inches at the least; or if any Person shall cover, or cause to be covered, any House or other Building within any

any of the said Streets, Squares, Crescents, Ways, Lanes, or other Places in the Whole or in Part, with Thatch or Straw; then and in every such Case, the Owner of every such House or other Building erected without such Party or Division Wall or Walls, or having such a Covering of Thatch or Straw as aforesaid, shall forfeit and pay any Sum not exceeding Five Pounds for every Month such House or other Building shall continue without such Party or Division Wall or Walls, or with such Covering of Thatch or Straw as aforesaid.

LII. And be it further enacted, That if at any Time hereafter any Stones, Timber, Mortar, Rubbish, Materials, or other Things, shall be laid or placed in, or any Hole or Opening shall be made in any of the Streets, Crescents, Squares, Lanes, or publick Passages or Places already made or built, or which shall hereafter be made or built, within the said Town of *Cheltenham* or its Suburbs, for any Purpose whatsoever, not prohibited by or contrary to the Intent and Meaning of this Act, the Owner of such Stones, Materials, or other Things, or Person or Persons causing such Hole or Opening as aforesaid to be made, shall at his, her, or their Expence, cause a Light to be fixed in or near the same respectively, for securing Passengers and Cattle from Accident, every Night from Sun-setting to Sun-rising, during the Time such Stone or other Materials, Hole or Opening, shall remain; and also, if the said Commissioners shall think proper and direct, shall at his, her, or their own Expence, cause such Stones, Materials, or other Things, Holes, or Openings, or either of them, as the Case may be, to be fenced and inclosed in such Manner as the said Commissioners shall think proper, and continue the same so fenced and inclosed until the Stones, Materials, or other Things, or Hole or Opening, as the Case may be, shall be removed, and in Default shall forfeit and pay any Sum not exceeding Forty Shillings for every Day or Night such Neglect or Default shall happen; and the said Commissioners on such Default being made, are hereby empowered to cause such Light to be affixed, and to fence and inclose such Stones, Materials, and Things, and continue the same so fenced and inclosed, and charge such Owner or other Person or Persons as aforesaid, with the Expences thereof respectively, and to recover such Expences, on Refusal to pay the same to the said Commissioners, and the Expences attending such Recovery, in the same Manner as any Penalty or Forfeiture by this Act inflicted is directed and authorized to be recovered.

Lights to be fixed for preventing Accidents.

LIII. And be it further enacted, That if any Householder or Householders within the said Town or Suburbs thereof, shall make Complaint in Writing under his, her, or their Hand or Hands, and shall leave the same at the last usual Place of Abode of the Surveyor or Surveyors of the said Commissioners, of any Defect or Want of Repair in any of the Pavements of any of the said Streets, Squares, Crescents, Lanes, Passages, or Places, either before or after the same shall have been new paved or repaired by virtue of this or the said recited Act, Seven Days before the next Meeting of the said Commissioners, then and in every such Case the said Surveyor or Surveyors shall view the said Pavement, and report the Condition thereof to the said Commissioners at their next Meeting; and if the said Surveyor or Surveyors, to whom such Notice shall be given or left as aforesaid, shall upon such View, find the Pavements complained of to be

Inhabitants to give Notice to Surveyors when Pavements want any Repairs.

bad

bad or defective, the said Commissioners shall and may order their Contractor or Contractors, Paviour or Pavieurs, to repair the same, within such Time as they the said Commissioners shall judge necessary for the Repair thereof, which Time shall be specified in such Order; and if the Contractor or Contractors, Paviour or Pavieurs, to whom such Order shall be given, shall not repair and amend such Pavements within such Time as he or they shall be directed by the said Commissioners to repair and amend the same, then and in every such Case the said Contractor or Contractors, Paviour or Pavieurs, shall forfeit and pay any Sum not exceeding Ten Shillings for every Day that the same bad or defective Pavement shall remain un-repaired, after the Time limited by the said Commissioners in their said Order; and one Moiety of every such Penalty shall be applied and paid to such complaining Inhabitant, for his or her Loss of Time and Trouble in and about the Premises, and the other Moiety thereof shall be applied to the Purposes of this Act.

If Surveyors think such Pavement not defective Commissioners to view the same.

LIV. Provided always, and be it further enacted, That if the said Surveyor or Surveyors shall on any such View or Views, be of Opinion that the Pavement or Pavements mentioned to be bad or defective by such Householder or Householders in such Notice, is not bad or defective, then and in such Case the said Commissioners, or any Three or more of them, shall forthwith proceed to view the said Pavements, and their Opinion and Order concerning the same after such View, shall be final and conclusive; any Thing in this Act contained to the contrary thereof in anywise notwithstanding.

Commissioners may direct the Streets to be cleaned.

LV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required to nominate and appoint any Person or Persons, and to purchase or hire any Cart or Carts, or other Carriage or Carriages, and also any Horse or Horses, for the Purpose of cleansing the several Streets, Squares, Crescents, Lanes, Passages, and Places within the said Town and Suburbs thereof, and of carrying away the Dust, Dirt, Filth, Rubbish, Cinders, or Ashes, from any House or Houses, or other Premises within the same; or it shall be lawful for the said Commissioners to contract with any Person or Persons for cleansing the same, and for carrying away the Dust, Dirt, Cinders, or Ashes, from any House or Houses or other Premises within the same.

Scavengers Duty.

LVI. And be it further enacted, That the Person or Persons employed by or contracting with the said Commissioners for cleansing the several Streets, Squares, Crescents, Lanes, publick Passages and Places within the said Town and Suburbs thereof, or the Person or Persons employed by or acting under the Direction of such Person or Persons so contracting with the said Commissioners, shall Twice in every Week (that is to say) on every *Tuesday* and *Saturday*, between such Hours of those respective Days, and also on such other Days, and at or between such Hours as the Commissioners aforesaid shall from Time to Time appoint, sweep and collect together all Dust, Dirt, Filth, or Rubbish, in such Streets, Squares, Crescents, Lanes, publick Passages, and Places, and shall also bring or cause to be brought a Cart or other proper Carriage into such Streets, Squares, Crescents, Lanes, or other Passages or Places, where such Cart or other Carriage can pass, and shall at his or their Approach with such

such Cart or other Carriage, and not before, by Sound of Bell, Voice, or otherwise, give Notice to the Inhabitants of his or their coming, and give the like Notice in every Court, Passage, or Place, into which such Cart or Carriage cannot pass; and such Person or Persons so employed by or contracting with the said Commissioners, shall immediately take the Dust, Dirt, Rubbish, Cinders, Ashes, and other Filth (except Filth from any Privy or Necessary House) from the respective Premises in such several Streets, Squares, Crescents, Lanes, publick Passages and Places, and put the same into such Cart or Carriage, all which Dust, Dirt, Rubbish, Cinders, Ashes, and Filth (except as aforesaid) as well as all such Dust, Dirt, Dung, Ashes, and other Filth as shall be swept up and collected together as aforesaid, such Person or Persons shall then immediately, or as soon as may be, carry away or cause to be carried away to the Place or Places appointed for depositing the same, upon Pain of forfeiting any Sum not exceeding Forty Shillings for every Offence or Neglect therein; and the Person or Persons so employed or contracting as aforesaid, shall cause the Words 'Scavenger's Cart' to be painted in large Roman Letters on the Front, or on some conspicuous Part of every Cart or Carriage used for the Purposes aforesaid, on Pain of forfeiting any Sum not exceeding Twenty Shillings for every Neglect therein.

LVII. And be it further enacted; That if any Person or Persons whomsoever shall throw, cast, or lay, or cause to be thrown, cast, or laid, any Bricks, Stones, Dust, Dirt, Mould, Dung, Offal, Rubbish, Ashes, or other Filth whatsoever, into or on the Side of any Street, Square, Crescent, Lane, or other publick Passage or Place within the said Town or Suburbs thereof (except as herein excepted) every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; or if any Person or Persons whomsoever shall throw or cast any such Stones, Bricks, Dust, Dirt, Mould, Dung, Offal, Rubbish, Ashes, or other Filth, or Thing whatsoever into any Sewer, Drain, Sink or Watercourse, under the Direction of the said Commissioners, within the said Town or the Suburbs thereof, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

For preventing Persons throwing Dirt into the Street.

LVIII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to subject any Person whomsoever to any Penalty by this Act inflicted for or on account of any Stones, Bricks, Rubbish, Mould, or Dirt being laid or placed in any such Street, Square, Crescent, Lane, publick Passage or Place as aforesaid, occasioned by the building, pulling down, altering, or repairing his or her House or other Building, so as there be full and sufficient Space, in the Opinion of the said Commissioners, or of their Surveyor for the Time being, left in or at the Side of the Street, Square, Crescent, Lane, publick Passage or Place, where such Rubbish, Mould, or Dirt shall lie or be placed, for Carriages to pass and repass, and a sufficient Way kept clean for Foot Passengers, by the Person or Persons laying or causing such Stones, Bricks, Rubbish, or Dirt to be laid or placed; and so as the Course of any of the Gutters be not choaked up or impeded, or turned or varied thereby; and so as a sufficient Light be at his, her, or their own Expence set and maintained at the Place where such Stones, Bricks, Rubbish, or

Penalty not to extend to Rubbish or Dirt occasioned by building or repairing Houses.

Dirt shall be so laid or placed, from Sun-set to Sun-rise, to prevent any Mischief happening to Passengers or Cattle; and so as the same be inclosed and fenced about in such Manner and within such Time as the said Commissioners shall, by any Notice to be by their Order given to or left with such Person or Persons, direct and appoint; and so as such Rubbish or Dirt be removed at the Expence of the Person or Persons, so laying or causing the same to be laid, within a Time to be expressed in a Notice to be in like Manner given by the said Commissioners.

No Person
but a Scavenger to remove any
Dirt, Dust,
&c.

LIX. And be it further enacted, That if any Person or Persons, whomsoever, other than the Person or Persons employed by or contracting with the said Commissioners for cleaning the several Streets, Squares, Crescents, Lanes, or other publick Passages or Places within the said Town or Suburbs thereof, or the Person or Persons employed by or acting under the Direction of the Person or Persons so contracting as aforesaid, shall take or carry away, or cause to be taken or carried away, any Dirt, Dust, Dung, Ashes, or other Filth out of any of such Streets, Squares, Crescents, Lanes, or other publick Passages or Places as aforesaid, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Persons to be at liberty to keep or dispose of Dust, &c. for their own Use.

LX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to prevent any Person or Persons from preserving and keeping any Soil, Dirt, Dust, Dung, Ashes, Cinders, Manure, Muck, Filth, or Rubbish, which shall have arisen or have been made within his, her, or their Houses, Yards, or other Premises, or from making use of the same for the Purpose of manuring any Lands in his, her, or their own Occupation, so as such Soil, Dirt, Dust, Cinders, Dung, Ashes, Manure, Muck, Filth, or Rubbish, be not laid down or placed in any Street, Square, Crescent, Lane, publick Passage or Place, within the said Town or Suburbs thereof, for any longer Time than shall be necessary for loading and carrying away the same, nor be suffered to remain so as to be an Annoyance to any of the Inhabitants of, or Persons resorting to the said Town or the Suburbs thereof; but in case any Person or Persons so reserving such Soil, Dirt, Dust, Dung, Ashes, Cinders, Manure, Muck, Filth, or Rubbish, shall thereby annoy any of the said Inhabitants or Persons resorting to the said Town or the Suburbs thereof, or shall permit or suffer the same to remain in any such Street, Square, Crescent, Lane, publick Passage or Place, for any longer Time than from Sunrise to Sunset before the same shall be carried away or removed, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings for every Day that such Annoyance shall be suffered to remain after the Time limited as aforesaid.

Direction for sweeping Footways.

LXI. And be it further enacted, That the respective Occupiers of Houses or other Buildings in the several Streets, Squares, Crescents, Lanes, publick Passages and Places, within the said Town and Suburbs thereof, shall and they are hereby required to cause to be well and sufficiently swept and cleaned the Footways or Foot Pavements before, behind, and at the Sides of their respective Houses or other Buildings (as the Situation thereof shall require) every Morning in the Year, at or between such Hours as the said Commissioners shall from Time to Time appoint, upon Pain of forfeiting

feiting and paying for every Neglect therein any Sum not exceeding Twenty Shillings.

LXII. And be it further enacted, That if any Person shall empty any Necessary House, or carry any Night Soil along any Market Place, Street, Square, Crescent, Lane, or other publick Passage or Place, within the said Town or Suburbs, before the Hour of Twelve of the Clock at Night, or after Five of the Clock in the Morning, in any Part of the Year, or put or cast any Night Soil in or near the said Market Places, Streets, Squares, Crescents, Lanes, or other publick Passages or Places, or in any respect improperly, carelessly or negligently remove the same, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

The Time of emptying Necessary Houses directed.

LXIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time and at any Time or Times hereafter, to purchase and provide such and so many Glass Lamps, of such Sorts and Sizes, and also such and so many Lamp Irons and Lamp Posts, as they shall judge necessary, and to direct the same to be affixed or set up upon or against the Walls or Palisadoes of all or any of the several Houses or Buildings, or upon or against any other Walls, or in or upon such other Places within the said Town and Suburbs thereof, and to be altered, taken down, or renewed, in such Manner as they shall think fit, and to cause such Lamps, or any of them, to be lighted at such Times and Seasons of the Year, and on such Evenings, and on such Hours of the Evening, and to be kept burning for so many Hours, as to them shall seem necessary or proper, for the well and sufficiently lighting of all or any of the said Streets, Squares, Crescents, Lanes, publick Passages and Places; within the said Town and the Suburbs thereof.

Provision for lighting the Streets, etc.

LXIV. And be it further enacted, That if any Person or Persons shall wilfully take away, break, throw down, displace, or damage any Lamp or Lamps already set up, or that shall be set up by virtue of this or the said recited Act, by Order of the said Commissioners; or by any Person or Persons at his, her, or their own Expence, for the Purpose of lighting any of the said Streets, Squares, Crescents, Lanes, Passages, or Places, or shall wilfully extinguish the Light or Lights within the same; or shall throw down or damage the Posts, Irons, Cover, or other Furniture of any such Lamp, it shall and may be lawful to and for any Person or Persons whomsoever who shall see any such Offence committed, and also for any other Person or Persons whomsoever, to seize or assist in seizing the Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to convey and deliver him, her, or them into the Custody of a Watchman or of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said County of Gloucester; and such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information or Evidence touching such Offence; and if the Party or Parties accused shall be convicted, either by his, her, or their Confession, or upon such Information or Evidence as aforesaid, then and in every such Case he, she, and they shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, and shall moreover pay such Sum or Sums of Money

Penalty for wilful doing Damage to Lamps.

as shall be deemed by such Justice to be a full Satisfaction for the Damage so by him, her, or them done as aforesaid; and in case such Offender or Offenders shall not on Conviction pay such Forfeiture, and also such Satisfaction as aforesaid, such Justice is hereby required to commit him, her, or them to the Bridewell or House of Correction in or for the said Town of *Cheltenham*, or to any other Bridewell, Prison, or House of Correction in or for the said County of *Gloucester*, there to be kept to hard Labour for any Space of Time not exceeding Three Calendar Months; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be so committed, unless such Forfeiture and Satisfaction shall be sooner paid and given.

Satisfaction
for accidental
Damage to
Lamps.

LXV. And be it further enacted, That in case any Person or Persons shall carelessly, negligently, or accidentally break, throw down, or damage any Lamp or Lamps hung out or set up by Order of the said Commissioners, or by any Person or Persons at his, her, or their private Expence, or the Posts, Irons, Covers, or other Furniture thereof, and shall not immediately, upon Demand, make Satisfaction for the Damage done thereto, then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the said County of *Gloucester*, upon Complaint to him made by one or more credible Witness or Witnesses, to summon before him the Party or Parties who shall be complained of for doing such Damage as aforesaid; and upon hearing the Allegation and Proofs on both Sides, or Non-appearance of the Party or Parties so complained of, to award such Sum or Sums of Money, by way of Satisfaction to the said Commissioners, or to the other Owner or Owners of such Lamp or Lamps (as the Case shall be) for such Damages, as such Justice shall think reasonable; and in case of Neglect or Refusal to pay any Sum or Sums of Money so awarded, within Three Days after Demand, it shall and may be lawful to and for such Justice, and he is hereby required to cause the same to be raised and levied in such and the like Manner as any Fine, Penalty, or Forfeiture is by this Act directed to be raised and levied.

Power to
purchase
Lands, etc.
to widen and
improve the
Streets, etc.

LXVI. And whereas many Parts of the Streets, and other Communications of the said Town of *Cheltenham*, and the Suburbs thereof, and between the said Town and the different publick Wells, are narrow, unsafe, and incommodious, and it would be of great Benefit if the same were widened and otherwise improved, and if new Streets, Roads, Ways, or other Communications were opened: And whereas the present Market House of the said Town is considerably too small for the Purposes of the Inhabitants of the said Town, and is situated in the Centre of the principal Street, so as to render the said Street in that Part very narrow and inconvenient; be it therefore further enacted, That for the Purpose of making the narrow Parts of the said Streets, Lanes, and other publick Passages and Places safe and commodious for Carriages and Passengers, and for otherwise improving the same, and for opening proper Communications between any of the said Streets, Squares, Crescents, Lanes, and other publick Passages and Places, or any of them, and for opening any new Carriage or Foot Road or Roads to all, any, or either of the publick Wells and Springs now opened, or which shall or may be opened, in the Parish of *Cheltenham* aforesaid, and between such Wells and Springs respectively

pectively, and for altering, widening, and improving the present Communications between the said Town of *Cheltenham* and the aforesaid Wells or Springs, or any of them, and for the erecting and setting up a new Market House and Shambles, with necessary Buildings and Conveniences thereto, and which several Matters and Things the said Commissioners are hereby authorized and empowered to do, and for otherwise improving the said Town and Parish in Manner by this Act directed, it shall be lawful for the said Commissioners to treat and agree with such Person or Persons, Body or Bodies Politick or Corporate respectively, as shall be or be deemed to be Owners of or interested in any Houses, Buildings, Erections, Projections, Encroachments, Lands, Tenements, or other Hereditaments within the said Parish, (which they the said Commissioners shall think right and proper to be taken or used for the Purposes of this Act) for the absolute Purchase thereof respectively, or for the Damage to be done thereto respectively in the Execution or for the Purposes of this Act; and to take down or alter all or any of such Houses, Buildings, Erections, Projections, Encroachments, Tenements, or Hereditaments to be so purchased, or any Part or Parts of the same respectively, and to appropriate all or any of the Ground or Scites thereof respectively, and also all or any of the Lands to be so purchased for all or any of the Purposes aforesaid, as they the said Commissioners shall think fit.

LXVII. And be it further enacted, That it shall be lawful for all Bodies Politick, Corporate, or Collegiate, and all Corporations whether Aggregate or Sole, Spiritual or Lay; and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, of or for Lunatics and Idiots, or other Trustees whomsoever, not only for and on Behalf of themselves and their Successors, but also for and on Behalf of their respective Cestuique Trust, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, and also to and for all Femes Covert who are or shall be seised in their own Right, and to and for all Persons, whether Tenants for Life or Tenants in Tail, General or Special, and to and for all and every Person or Persons whomsoever who are or shall be seised, possessed of, or interested in any Houses or other Buildings, Erections, Projections, Encroachments, Lands, Tenements, or other Hereditaments, or any Part thereof, which the said Commissioners are by this Act enabled to purchase for any of the Purposes of this Act, to treat, contract, and agree with the said Commissioners for the Sale thereof, or any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever, of, in, and to the same, to the said Commissioners and their Successors, or to such Persons and their Heirs for ever, as the said Commissioners shall direct, in Trust for them the said Commissioners, for any of the Purposes of this Act; and that all Contracts, Agreements, Bargains, Sales, and Conveyances, which shall be so made by virtue and in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid, and effectual, to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying his, her, and their Heirs, Executors, Administrators, and Successors, but also to convey all Right, Estate, Interest, Use, Trust, Property, Claim, and Demand whatsoever, of their said several and respective Cestuique Trust, and all claiming or to claim by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary

[Loc. & Per.]

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thereof

Power for
Bodies Politick to sell.

thereof notwithstanding; and all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Executors in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Provision in
Cases of Re-
fusal or Ina-
bility to sell.

LXVIII. And be it further enacted, That if any Body Politick, Corporate, or Collegiate, or any Corporation whether Aggregate or Sole, Spiritual or Lay, or any Femes Covert, or any Tenant for Life or Tenant in Fee Simple or Fee Tail, General or Special, or any other Owner or Owners, Occupier or Occupiers, or other Person or Persons whomsoever, interested in any House or Houses, Building or Buildings, Erection or Erections, projecting into, over, or upon any of the Footways within the said Town or the Suburbs thereof, or of any Door or Doors of Cellars, or of any Steps belonging thereto, or in any other Projection or Encroachment upon any such Footway whatsoever, or in any other Messuages, Buildings, Lands, Tenements, or Hereditaments which the said Commissioners are enabled by this Act to purchase or treat for, for any of the Purposes of this Act, shall refuse to treat, contract, or agree as aforesaid, or by reason of Absence or otherwise shall be prevented from treating, contracting, or agreeing, or shall decline or refuse to sell, convey, and dispose of the Hereditaments and Premises whereof or wherein, or whereunto they respectively shall be so seised, possessed, interested, or entitled as aforesaid; or their respective Rights, Titles, Claims, or Interests in, to, or upon the same, or any Part thereof, unto the said Commissioners, or to such Person or Persons as they shall nominate for the Purposes, and according to the Tenor, true Intent, and Meaning of this Act; or shall not or cannot produce or make out a clear Title to the Premises, or to the Interest they claim therein to the Satisfaction of the said Commissioners; or if any Dispute or Difference shall arise touching such Purchase or Purchases, the said Commissioners are hereby empowered and authorized, before any General or Quarter Session of the Peace to be holden for the said County of Gloucester, or any Adjournment thereof, to give or cause to be given to such Owner or Owners, or the principal Officer or Officers of such Bodies Politick or Corporate, or to such Guardians, Committees, or Trustees as aforesaid, or to leave or cause to be left at the House of the Tenant in Possession, Fourteen Days Notice in Writing, denoting and describing the Lands, Buildings, Houses, Erections, Projections, Encroachments, Tenements, or other Hereditaments intended to be purchased, and purporting that the Value thereof shall be adjusted and settled by a Jury, to be sworn at the said Session or Adjournment thereof, and thereupon any one of His Majesty's Justices of the Peace for the said County of Gloucester, shall and he is hereby empowered, from Time to Time, to issue out his Warrant under his Hand and Seal to the Sheriff of the same County, or if such Sheriff shall be interested in the Matter in question, then to one of the Coroners of the said County, commanding such Sheriff or Coroner to impanel, summon, and return Twenty four Men, qualified according to the Laws of this Realm, to be returned for the Trials of Issues joined in His Majesty's Courts at Westminster, to appear before His Majesty's Justices of the Peace, who shall be assembled at the then next General Quarter Sessions of the Peace to be held for the said County, in order that out of them a Jury of Twelve Men may be drawn and be sworn to enquire touching the Matter in question; and

and in case a sufficient Number of Jurymen shall not appear at such Time and Place, the said Sheriff or Coroner shall return other honest and indifferent Men who can speedily be procured to attend that Service, being qualified as aforesaid to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen; and the Justices of the Peace for the said County, and each of them, is and are hereby empowered and required, by Warrant or Warrants under his or their Hands and Seals or Hand and Seal, from Time to Time as Occasion shall require, to summon and call before them all such Persons as shall be thought necessary to be examined as Witnesses touching the Matters in question; and the said Justices of the Peace for the said County, or any one of them, may on the Application of either Party, order and authorize the said Jury, or any Five or more of them, to view the Places or Matters in question, which Jury upon their Oaths to be administered by the said Justices or any of them (which Oaths, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Justices or any one of them is and are hereby required to administer) shall enquire of, assess, and ascertain the Sum and Sums of Money to be paid for the Purchase of such Lands, Tenements, Buildings, or Hereditaments, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid, and to settle and ascertain in what Proportions the Sum or Sums of Money so assessed shall be paid to the several Persons interested in the Premises; and the said Justices so assembled as aforesaid (not being interested in the Matter in question) shall give Judgement for such Purchase Monies or Recompence so to be assessed by such Juries; which said Verdict, and the Judgement thereupon pronounced by the said Justices, shall be binding and conclusive, to all Intents and Purposes, against all Parties, Bodies Politick, Corporate, and Collegiate, and all Persons whomsoever: Provided always, that such Justices may adjourn such Matters in question to any other Sessions of the Peace for the said County, and finally determine the same at any of the said Sessions, and give such Costs to either Party as they shall judge to be reasonable.

LXIX. Provided always, and be it further enacted, That if any Sheriff, Under Sheriff, or Coroner, shall make Default or neglect his Duty in the Premises aforesaid, every such Person shall for every such Offence forfeit any Sum not exceeding Twenty Pounds; and if any Person so summoned and returned as a Jurymen, shall not appear, or appearing shall refuse to be sworn, or being sworn shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn, or to affirm or give Evidence, every Person so offending respectively, having no reasonable Excuse, to be allowed by the said Justices, shall for every such Offence forfeit and pay such Sums of Money as the said Justices, or the major Part of them so assembled as aforesaid shall appoint, not exceeding the Sum of Ten Pounds.

LXX. And be it further enacted, That all Verdicts and Judgements which shall be made and given in relation to any such Lands, Tenements, Buildings, or Hereditaments as aforesaid (such Verdicts and Judgements being signed by one of the Justices of the Peace for the

Penalty on Sheriff, Coroner, Jury, or Witnesses neglecting Duty.

Verdicts, Judgements, &c. to be kept among the Records of the Sessions.

said County, who shall be present at the taking of such Inquest) shall be fairly entered and kept among the Records of the Sessions of the said County; and the same, or true Copies thereof, shall be taken to be good and effectual Evidence and Proof in any Court of Law or Equity whatsoever; and all Persons may have Recourse to the same *gratis*, and take Copies thereof, paying Four-pence for every Seventy-two Words, and so in Proportion for any greater or less Number of Words.

Provision that Verdicts shall not be binding unless Money paid within Six Calendar Mon. hs.

LXXI. Provided always, That in case the Sum or Sums so assessed by the said Jury, and ordered and adjudged to be paid by the said Commissioners, as a Satisfaction to the Owners, Occupiers, or others, for their respective Interests in the said Hereditaments and Premises shall not be paid or tendered within Six Calendar Months after the same shall have been lawfully demanded by the Person or Persons entitled to receive the same, then and in every such Case the Verdict of the said Jury shall not be binding upon the said Parties; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Pro sion for Payment of Costs of Verdicts.

LXXII. And be it further enacted, That in all Cases where any Verdict shall have been given for a greater Sum or Recompence than shall have been previously offered by or on the Behalf of the said Commissioners for any such Lands, Buildings, Houses, Erections, Projections, Encroachments, Tenements, or other Hereditaments, for Damages as aforesaid, all the Expences of taking such Inquest, and of the Witnesses attending thereon, and recording or entering the Verdict and Judgement thereupon, shall be paid by the said Commissioners out of the Monies to arise by virtue of this Act; but if a Verdict shall be given for no greater or for a less Sum than shall have been so previously offered by or on the Behalf of the said Commissioners, then in and every such Case such Expences shall be paid by the Owners of or Persons interested in the Premises in question; provided, that whenever by Absence any Person or Persons shall have been prevented from treating with the said Commissioners, the Whole of such Costs and Expences shall be borne and paid by the said Commissioners; and whenever any Costs and Charges shall or may be payable to the said Commissioners, such Costs and Charges shall and may be deducted out of the Sum to be paid by the said Commissioners, to the said Owners or Persons respectively interested.

Application of Compensation, when amounting to 200l.

LXXIII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politick, Corporate, or Collegiate, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall be equal to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there

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

LXXIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands) be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved by Three or more of the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising therefrom, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court

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

Application of
Compensation
if less than 20l.

of Chancery : Provided also, that where such Money so agreed or awarded to be paid as last before-mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall direct ; or in case of Infancy or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not
making out
Titles;

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

Where any
Question shall
arise touching
the Title to
Money
to be paid,
the Person
who shall be
in Possession
of the Lands,
etc. shall be
deemed en-
titled there-
to unless, &c.

LXXVI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under
the

the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends and Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

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

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Commissioners.

LXXVIII. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments to be made to the said Commissioners, shall be made in the Form or to the Effect following; (that is to say,

Form of Conveyance.

I *A. B.* of _____ in Consideration of the Sum of _____
 to me paid by the Commissioners for im-
 Proving the Town of *Cheltenham*, acting by virtue of an Act of Parlia-
 ment, passed in the Forty-sixth Year of the Reign of King *George* the
 Third, intituled, [*here insert the Title of this Act*], Do hereby grant and
 convey to the said Commissioners [*here describe the Premises to be con-*
veyed], and all my Right, Title, and Interest to and in the same, and
 every Part thereof, to hold to the said Commissioners for ever. In
 Witness whereof I have hereunto set my Hand and Seal, this
 _____ Day of _____ in the Year of our
 Lord _____

And every such Sale, Conveyance, and Assurance so made, shall be good and effectual to vest the Premises so conveyed in the said Commissioners and their Successors, freed and absolutely acquitted and discharged of and from all Claims, Rights, Interests, Charges, and Incumbrances of all Persons whomsoever, to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

LXXIX: And be it further enacted, That every Sum of Money to be agreed for, awarded, or assessed as aforesaid, shall be paid out of the Monies to be received by virtue of this Act to the Party or Persons respectively entitled to such Monies, or to their Agents; and upon Payment thereof,

Provision for Payment of Purchase Money, &c. and for vesting of Property in the Commissioners.

thereof, or in case of Refusal to accept the same, on placing the same in the Bank of *England* in Manner by this Act directed, whether such Conveyance as aforesaid shall or shall not be made, all the Estate, Right, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons respectively, unto or to whose Credit or Use the same shall have been paid, in, to, and out of such Lands, Buildings, Houses, Tenements, or other Hereditaments, shall vest in the said Commissioners and their Successors in Trust, for effecting the Purposes of this Act, and they shall be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever; and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons unto or to whose Use or Credit such Payments shall have been made as aforesaid, but also shall extend to, and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons, and every Person claiming under them.

Power for
Delivery of
Possession of
Property
purchased.

LXXX. And be it further enacted, That every Lessee or Tenant for Years or at Will, and every other Person in Possession of any Lands, Buildings, Houses, Tenements, or other Hereditaments which shall be purchased by virtue and for the Purposes of this Act, shall deliver up the Possession of such Premises to the said Commissioners, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Notice from the said Commissioners, or such Person or Persons so appointed by them, to quit the same at such Time or Times as shall be required by such Notice, they the said Commissioners, or such Person or Persons, making such Satisfaction and Compensation to every such Tenant or Lessee as aforesaid, in case he or she shall be required to quit before the Expiration of his, her, or their Term in the Premises, as the said Commissioners shall deem just and reasonable; and in case any Dispute or Difference shall arise touching or concerning the same, such Satisfaction and Compensation shall be settled and ascertained by a Jury, in such and the like Manner as the Satisfaction and Compensation to be made by the said Commissioners for the Purchase of any Lands, Tenements, or Hereditaments, is and are herein directed to be settled and ascertained in case of any Difference or Dispute about the same; and such Person or Persons in Possession shall, at such Time or Times as he, she, or they shall be required by the said Commissioners, peaceably and quietly deliver up the Possession of the said Premises to the said Commissioners, or to the Person or Persons authorized by them to take Possession thereof; and if any such Person or Persons so in Possession as aforesaid, shall refuse to deliver up such Possession, then and in every such Case it shall be lawful for the said Commissioners to issue their Precept or Precepts to the Sheriff of the said County of *Gloucester*, to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to deliver up Possession as aforesaid by Distress and Sale of his, her, or their Goods and Chattels.

For paying off
Mortgages on
Lands pur-

LXXXI. And be it further enacted, That in case any Messuages, Lands, or Hereditaments, taken or purchased for the Purposes of this Act, shall happen

happen to be in Mortgage to any Person or Persons, it shall be lawful for the said Commissioners, upon Application being made to them by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators, and the said Commissioners are hereby authorized and required to pay such Sum or Sums of Money, after the same shall have been so agreed for and adjusted, or assessed in Manner aforesaid for such Messuages, Lands, or Hereditaments in Mortgage, in Discharge or Part Discharge of the Principal Money and Interest that shall be due upon such Mortgage or Mortgages unto such Mortgagee or Mortgagees, his, her, or their Executors or Administrators: Provided always, that upon Receipt of such Sum or Sums of Money, an Indorsement shall be made upon such Mortgage or Mortgages, and signed by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, in the Presence of one or more credible Witnesses or Witneses, in Satisfaction of so much of the Principal Money due upon such Mortgage or Mortgages.

chased by the Commissioners.

LXXXII. And be it further enacted, That it shall be lawful for the said Commissioners to cause all and every the Houses and other Buildings, Erections, Projections, and Encroachments which shall at any Time be purchased under the Powers and for the Purposes of this Act, or any of them, or any Part of them, to be appropriated to the Purposes of this Act, or otherwise to be taken down, and to cause the Scites thereof, or any Part thereof, and any other Land to be purchased under the Powers and for the Purposes of this Act, to be added to or laid into the Streets, Squares, Crescents, Lanes, or other publick Passages, Roads, or Places in or about the said Town or the Suburbs thereof, or leading to or from the said Well or Wells, or to be formed and made into any new Streets, Roads, Lanes, Ways, or other publick Passages or Places in or about the said Town of *Cheltenham* or the Suburbs thereof, or to or from or between the aforesaid Wells or any of them, and to make more commodious any Bridge or Bridges leading to or from the said Wells or any or either of them, and to build any new or other Bridge or Bridges in any Road or Way leading to or from the said Wells or any or either of them, for the Purpose of mutual Communications, in such Manner as the said Commissioners shall judge proper; and the Land so added to or laid into the respective Streets, Squares, Crescents, Lanes, or other publick Passages or Places respectively, shall for ever afterwards be deemed Part thereof; and the same, and also such as shall be formed and made into any new Streets, Squares, Crescents, Roads, Lanes, Ways, or other publick Passages or Places as aforesaid, shall be used as common publick Highways, Paths, and Passages: Provided always, that it shall and may be lawful to and for the said Commissioners to sell or otherwise dispose of such Part or Parts of any Houses, Buildings, Lands, Tenements, or other Hereditaments, which may have been purchased under the Authority of this Act, for the Purpose of making such Alterations or Improvements as aforesaid, as may afterwards be found unnecessary for the Purposes of this Act, to any Person or Persons willing to purchase the same; and that all Monies to be raised by any Sale or Sales as aforesaid, shall be considered as Part of the general Fund applicable to the Purposes by this Act declared.

Power for Commissioners to cause Buildings taken down to be appropriated to the Purposes of the Act.

Power to sell the Land, and to resell useless Buildings or Land.

LXXXIII. Provided always, and be it further enacted, That the said Commissioners before they shall sell and dispose of any such Lands, Tenements,

Directing that the Persons from whom Lands shall

[*Loc. & Per.*]

27 D

ments, Lands shall

have been purchased by the Commissioners, shall have the first Offer of the Repurchase thereof.

lands, or Hereditaments, shall first offer the same for Sale to the Person or Persons respectively from whom they shall have purchased such Lands, Tenements, or Hereditaments; and in case such Person or Persons shall not then and thereupon agree, or shall refuse to repurchase the same, then and in every such Case an Affidavit to be made and sworn before a Master Extraordinary in the High-Court of Chancery, or before one of His Majesty's Justices of the Peace for the said County of Gloucester, by some Person or Persons not way interested in the said Lands, Tenements, or Hereditaments, stating that such Offer was made by or on the Behalf of the said Commissioners, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom it was made, and the same shall be taken as such.

Damages how to be ascertained and settled.

LXXXIV. And be it further enacted, That if any Person or Persons whomsoever shall sustain any Damage in his, her, or their Lands, Tenements, or other Hereditaments, by reason of the Execution of any Powers given by this Act, then and in every such Case Satisfaction and Compensation shall be made by the said Commissioners to such Persons respectively, out of the Monies to be raised by virtue of this Act; and in case of any Difference or Dispute between such respective Persons and the said Commissioners, the Amount of such Damages shall be settled and ascertained by a Jury in such and the like Manner as any Sum or Sums of Money to be paid by the said Commissioners for the Purchase of any Lands, Tenements, or Hereditaments, is and are herein directed to be settled and ascertained in case of any Difference or Dispute about the same; and the same shall be recovered, levied, and applied, in such and the like Manner.

Market House to be pulled down, and Materials sold for the Purposes of the Act.

LXXXV. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think proper, to cause the present Market House within the said Town to be pulled down, and the Materials thereof to be sold or otherwise disposed of, towards carrying the Purposes of this Act into Execution, and also to cause the Site thereof, or any Part thereof, to be laid into and made Part of the said principal Street, and to be formed and put into proper Repair, and the same shall for ever afterwards be deemed and taken to be Part of the said Street.

New Market House to be built;

LXXXVI. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think proper, and they are hereby authorized to cause a new Market House and Shambles to be erected and built in some convenient Place within the said Town, or the Suburbs thereof, of such Size and Construction, and with such Conveniencies thereto, as they shall think proper or necessary, and from Time to enlarge the same as may be found necessary or expedient.

and vested in the Lord of the Manor of Cheltenham.

LXXXVII. And whereas the present Market House belongs to and is the Property of the Right Honourable James Lord Skerborne, Lord of the Manor and Hundred of Cheltenham aforesaid, and of the Fairs and Markets within the said Town, and it is proper that the new Market House

and Shambles, with the Buildings and Conveniences thereto, if any shall be so built as aforesaid by virtue of this Act, should be vested in the said Lord *Sherborne*, and his Heirs, subject nevertheless to such Agreements and Stipulations in respect of the Tolls of the said Town, as shall be agreed upon between him the said Lord *Sherborne* or his Heirs and the said Commissioners, for the same Estate and Interest as he or they hath or may have in the present Market House; be it therefore enacted, That from and after the erecting and building of the said new Market House, Shambles, Buildings, and Conveniences, the same shall, by virtue of this Act, be vested in and become the Property of the said Lord, in such and the like Manner, and for such and the same Estate, as he is now possessed of and interested in the present Market House; and such new Market House, Shambles, Buildings, and Conveniences, shall be deemed and taken to be the publick Market House of and for the said Town; any Thing in this Act, or any Usage or Custom to the contrary notwithstanding.

LXXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners to contract with any fit Person from Time to Time, to keep the different Fire Engines belonging to the said Parish of *Cheltenham*, with the Pipes, Buckets, or other Things belonging thereto, in good working Repair and Order, and (if they shall at any Time find or deem it necessary) to purchase any new Engine or Engines, Pipes, Buckets, or other Things belonging thereto, for the Use of the said Town and the Suburbs thereof, and to pay and defray all Costs and Expences attending the same respectively, out of the Rates to be levied and raised by virtue of this Act. Fire Engine.

LXXXIX. And for raising Money for answering and defraying the Expences attending the obtaining of this Act, and carrying into Execution the several Purposes thereof; be it further enacted, That the said Commissioners shall and they are hereby authorized and required, once or oftener in every Year as they shall see Occasion, to cause such Sum of Money to be raised by a Rate or Assessment upon the several Tenants or Occupiers of Houses, Warehouses, and other Shops, Cellars, Vaults, Stables, Coach Houses, Brewhouses, Granaries, Malshouses, Buildings, and publick Wells, which are already built or made, or which shall hereafter be built or made, within the said Town or Suburbs as aforesaid, and upon the several Gardens, Yards, or Lands thereto respectively belonging and adjoining, and upon all Gardens, Orchards, Paddocks, Closes, Tenements, and Hereditaments adjoining to or upon any of the Streets, Squares, Crescents, Lanes, or other publick Passages or Places which are already made or built, or which shall hereafter be made or built, within the said Town of *Cheltenham*, according to the Annual Rent or Value of the same respectively, not exceeding in any one Year the Sum of Five Shillings in the Pound upon such annual Rent or Value for the first Six Years, to be computed from the first Meeting of the said Commissioners, and Three Shillings in the Pound after the Expiration of such Six Years, as the said Commissioners shall think proper and necessary for paying and defraying the several Charges and Expences attending the obtaining and passing of this Act, and of cleansing, lighting, watching, and keeping in Repair the Pavements of such Streets, Lanes, and other publick Passages and Places as aforesaid; and of purchasing and providing a sufficient Number of Lamps, Lamp Posts, and Lamp Irons, and of keeping the Rates.

same in Repair from Time to Time, and all other Charges and Expences incidental thereto, under the Orders and Regulations by this Act provided and directed to be observed and made, and all other Charges and Expences incidental to and attending the Execution of this Act; such annual Rent or Value to be from Time to Time settled, ascertained, and fixed in such Manner as the said Commissioners shall direct or appoint; and for the Purposes aforesaid, or any of them, it shall be lawful for the said Commissioners yearly and every Year as often as they shall see Occasion, by Writing under their Hands, to nominate and appoint any one or more of the Inhabitants of the said Town of Cheltenham or its Suburbs (not being of the People called Quakers) to be the Assessor or Assessors of such Rates or Assessments as aforesaid, and as soon after as may be to issue their Order thereupon to such Assessor or Assessors, who shall accordingly be, and he and they is and are hereby empowered and required to make such Rate or Rates, Assessment or Assessments; and the Money so to be rated and assessed, shall from Time to Time be paid by such several Tenants or Occupiers as aforesaid, and they are hereby required to pay the same by Half-yearly or Quarterly Payments, to the Collector or Collectors to be appointed by the said Commissioners as aforesaid, as the said Commissioners shall direct; but no Rate or Assessment to be made in pursuance of this Act shall be valid, until the same shall be allowed and signed by Five of the said Commissioners at the least, at any Meeting to be held for the Purposes of this Act; and the said Assessor or Assessors shall appear at such Time and Place as the said Commissioners shall, by Writing signed by them, order and appoint, and then and there produce and deliver to them Two Copies or Duplicates of the Assessment made and subscribed by such Assessor or Assessors, and shall from Time to Time, upon reasonable Notice to him or them given by the said Commissioners, attend the said Commissioners at any of their Meetings, then and there to explain any such Rates or Assessments; and that the said Commissioners shall from Time to Time, as soon as may be after such Rate or Assessment shall be made, allowed, and signed, settled, ascertained, and fixed as aforesaid, cause a Duplicate thereof, signed by them, to be delivered to the said Collector or Collectors, and shall also issue their Orders to the said Collector or Collectors, requiring him or them to collect and receive the respective Sums of Money made payable by such Rate or Assessment, and such Collector or Collectors is and are hereby authorized and required to collect and receive the same accordingly; and also once at least in every Month, or oftener if directed so to do by the said Commissioners, by Writing signed by their Clerk for the Time being, to pay the Money so to be collected and received by virtue of this Act, to the Treasurer for the Time being to the said Commissioners, or to such Person or Persons as the said Commissioners shall appoint to receive the same, to be applied to and for the Uses and Purposes herein-before mentioned; and all and every such Collector or Collectors shall and is and are hereby required, at the Time of making every such Payment of the Money so respectively collected as aforesaid, to deliver to the Person or Persons empowered to receive the same, a true and exact Account of all Sums of Money received by him or them respectively, and also of such Sums of Money, Rates, or Assessments (if any) which shall remain uncollected, together with the Reasons why the same have or had not been collected, to the end that it may appear whether such Non-payment or Non-collection happened through the Insolvency of the Person rated, or through
the

the Default of the Collector or Collectors ; and if any Person who shall be appointed to the Office of Assessor or Collector in virtue hereof, shall afterwards refuse or neglect to take upon himself and execute his said Office, without shewing some reasonable Cause to the Satisfaction of the said Commissioners for such Refusal or Neglect, or shall wilfully make Default in the Performance of the Duty of his said Office, or wilfully over-rate any Person or Persons, or collect more than the Sum which shall have been so rated or assessed as aforesaid, or otherwise misbehave himself therein, he shall for every such Refusal, Neglect, Default, or Misbehaviour, forfeit and pay any Sum not exceeding Ten Pounds, to be recovered as any other Penalty is herein directed to be recovered, and also be discharged from his said Office if the said Commissioners shall think fit.

XC. Provided always, and be it further enacted, That no Person so nominated or appointed an Assessor, and who shall have served such Office, or shall have paid such Penalty as aforesaid for not serving the same, shall be again compellable to serve the said Office in less than Five Years after the End of such Service, or Payment of such Penalty.

The same Person not to be appointed Assessor more than once in Five Years.

XCI. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and empowered to cause any of the Books or Assessments of Rates of the said Parish of *Cheltenham*, and if they shall think fit any of the Books or Assessments of the Land Tax, to be brought before them, and to take Copies of such Books or Assessments, or of any Part thereof, without Fee or Reward; and if any Person or Persons in whose Custody or Power any of the said Books or Assessments shall be, shall refuse or neglect to attend the said Commissioners with such Books or Assessments, or to permit them to take Copies thereof, then and in every such Case, such Person who shall so refuse or neglect shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Commissioners may order the Parish Rate Books or Land Tax Books to be produced and Copies thereof made.

XCII. And be it further enacted, That if such Assessor or Assessors shall at any Time or Times hereafter, in any Rate or Assessment by him or them to be made by virtue or in pursuance of this Act, neglect or omit to rate or assess any Person or Persons liable to pay or be charged with such Rate or Assessment, or shall in any such Assessment under-rate any such Person or Persons liable to pay such Rate or Assessment, then and in every such Case it shall be lawful for the said Commissioners to rate and assess in the said Rate or Assessment, such Person or Persons so omitted to be rated or assessed, and to raise such Person or Persons so under-rated, or amend such Rate or Assessment as aforesaid, in such Manner as to the said Commissioners shall seem just and reasonable; and that the said Commissioners shall and may, and they are hereby empowered to strike out the Name or Names of any Person or Persons, whom they shall determine not to be liable to the Payment of the Rates hereby directed to be made; and that all such Additions to or Alterations in the old or former Rate or Assessment, shall be valid and effectual to all Intents and Purposes whatsoever.

If Assessors assess the Rates improperly, Commissioners may amend or alter the old Rates.

XCIII. And be it further enacted, That if the Tenant or Occupier of any Messuage, House, Warehouse, Shop, Cellar, Building, Garden,
[Loc. & Per.] 27 E. Land,

Tenants to pay the Rates.

Land, Tenement, or Hereditament, in respect of which any Rate or Assessment shall be charged or imposed by virtue of this Act, shall at any Time neglect or refuse to pay the Rates or Sums of Money which shall be so rated or assessed as aforesaid, for the Space of Fourteen Days after the same shall be due, and Demand made thereof by the Collector or Collectors of the said Rates, at the Dwelling House or Place of Abode of such Tenant or Occupier, then upon Proof thereof upon Oath (or Affirmation) before any Justice of the Peace for the said County of Gloucester, the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of every such Tenant or Occupier, by Warrant under the Hand and Seal of such Justice of the Peace, and which Warrant such Justice is hereby authorized and required to grant; and the Overplus (if any) after deducting the Sum or Sums due in respect of such Rates or Assessments, and all Charges and Expences attending the Recovery thereof, shall be paid upon Demand to the Owners of such Goods and Chattels.

How Rates to be paid by Tenants quitting or entering.

XCIV. And be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament, which shall be rated or assessed by virtue of this Act, such Person or Persons shall be liable to pay such Rates or Assessments in proportion to the Time that he, she, or they occupied the same, in like Manner as if such Person or Persons had not removed or quitted the same; and in all Cases where any Person or Persons shall come into or occupy any such Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament as aforesaid, out of or from which any other Person or Persons who shall have been rated or assessed for the same shall be removed, or which at the Time of making any such Rate or Assessment was or were empty or unoccupied, the same shall, for and in respect of his, her, or their Occupation thereof, be liable to any such Rate or Assessment, in proportion to the Time that he, she, or they shall occupy the same, in the same Manner as if he, she, or they had been originally rated or assessed for such Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament, which said respective Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners in such Manner as they shall judge reasonable; and in case any Person or Persons who having been so rated and assessed as aforesaid, shall quit his, her, or their Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament, before he, she, or they shall have paid such Rate or Rates, or proportionable Part or Parts thereof, by him, her, or them due and payable, and shall afterwards refuse or neglect to pay the same when demanded, it shall and may be lawful for the said Collector or Collectors, by Warrant under the Hand and Seal of any Justice of the Peace for any City, County, Division, Liberty, Town, or Place where such Person or Persons shall remove to or reside, or where any Goods or Chattels of such Person or Persons shall be found, which Warrant such Justice is hereby required to grant, upon Proof made of the Sum so due before him upon Oath of any one credible Witness (or Affirmation being a Quaker) to levy such Rate or Rates, or proportionable Part or Parts thereof by Distress and Sale of the Goods and Chattels of such Person or Persons; and after Payment of the Money due in respect of any such unpaid Rate or Rates, or proportionable Part or Parts, and all Expences attending the Recovery thereof, the Overplus shall be paid.

Persons removing.

to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

XCV. And be it further enacted, That where any Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament which shall be rated or assessed by virtue of this Act, shall be let or demised to more than one Tenant or Occupier, any one or more of such Tenants or Occupiers shall be deemed the Occupier or Occupiers thereof for the Purposes of this Act, and the said Rates or Assessments shall be levied by Distress and Sale in Manner last herein-before mentioned, of all or any of the Goods and Chattels in such Messuage, Warehouse, Building, Garden, Land, Tenement, or Hereditament.

If more than one Tenant or Occupier, any one may be liable to pay the Rates.

XCIV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required once in every Year to rate and assess the several Sums of Money herein-after mentioned, upon the several and respective Buildings, Tenements, and Hereditaments herein-after directed to be rated and assessed, by the Yard running Measure; and the first Year for which such Rate or Assessment shall be made, shall commence at and be computed from the first Meeting of the Commissioners under this Act; and the Monies so to be rated and assessed shall from Time to Time be paid, by equal Half-yearly or quarterly Payments, to the Collector or Collectors to be appointed as aforesaid, and be paid over by such Collector or Collectors into the Hands of the Treasurer to the said Commissioners, (that is to say) such Sum as the said Commissioners shall rate and assess, not exceeding the Sum of Two Shillings upon the Parish Church, and the several Chapels, Meeting Houses, Halls, Church Yard, Meeting House Yards, Alms Houses, Hospitals, Theatres, Market House, Work House, and other publick Buildings whatsoever within the said Town and the Suburbs thereof, for every Yard running Measure of the Length of the several and respective Buildings or Places aforesaid.

Certain publick Buildings to be rated by Measure.

XCVII. And be it further enacted, That the Rates or Assessments so to be made and laid upon any Hall shall be paid out of the Poor's Rates of the said Parish; and the said Rates or Assessments so to be rated and assessed upon the Parish Church or Church Yard, shall be paid by the Churchwardens of the said Parish out of their Rates; and the said Rates or Assessments so to be rated and assessed upon any Hospitals or Alms Houses shall be paid by the respective Masters, Wardens, Trustees, Governors, or Keepers thereof; and the Rates or Assessments so to be rated and assessed upon any Meeting House, Chapel, Church Yard, and Meeting House Yard, shall be paid by the respective Ministers and Deacons, or other Persons usually officiating therein, or by the Trustee or Trustees, or other Persons in whom the same shall be vested; and the Rates or Assessments to be rated and assessed upon the said Theatres, shall be paid by the Proprietors thereof; and the Rates or Assessments so to be rated upon publick Workhouses and other publick Buildings not within any of the Descriptions aforesaid, shall be paid by the respective Keepers or Managers thereof; and such Rates or Assessments shall be paid by the respective Officers and Persons rated, assessed, or charged therewith, to the respective Collectors appointed by the said Commissioners, in such quarterly or other Proportions as the said Commissioners

By whom the Rates on Halls, &c. shall be payable.

missioners shall direct; and in case of Default in Payment such Rates or Assessments shall and may from Time to Time be levied and recovered by Distress and Sale of the Goods and Chattels of any one or more of the Officers or Persons so respectively rated, assessed, or charged therewith, in the same Manner as if such Officers or Persons respectively were the actual Owners or Occupiers of such Property, and were or had been rated, assessed, or charged as such; and all such Officers and Persons respectively may charge the Sum or Sums so rated, assessed, or charged on them respectively, after Payment thereof, to or in their respective Accounts.

Commissioners may make a higher Rate if necessary.

XCVIII. Provided always, and be it further enacted, That if the said Commissioners shall deem it expedient and necessary (but not otherwise) they shall and may, and they are hereby authorized and required from Time to Time to make a higher Rate or Assessment for the several Purposes of this Act, than any of the Rates or Assessments herein before mentioned, and in lieu thereof, and to continue the same as long as they shall think necessary, so that such higher Rate or Assessment shall not exceed One-third of the actual annual Value or Rack Rent of the several Lands, Tenements, Houses, Shops, Malshouses, Warehouses, Coachhouses, Stables, Yards, Gardens, Cellars, Vaults, Buildings, Wells, or other Hereditaments in the said Town of *Cheltenham*, or the Suburbs thereof, on which the same is to be so made and levied as aforesaid.

Power for settling the Limits of the Town, &c.

XCIX. And whereas the said Town of *Cheltenham* hath been for some Time past rapidly increasing in its Size and Extent, and various new Buildings are now erecting, and it is in Contemplation to erect many others in the said Town and the Suburbs thereof; be it therefore further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered from Time to Time at any Meeting or Meetings to be held for that Purpose, to ascertain, vary, and fix the Limits or Boundaries of the said Town of *Cheltenham* and the Suburbs thereof, for the Purposes of the said recited Act and of this Act, and to fix and appoint what Lands, Houses, or other Buildings shall be deemed or taken to be within the Boundaries of the said Town or the Suburbs thereof, for the several Purposes of the said recited Act and this Act, of which Meeting or Meetings Notice shall be given in some Newspaper published or circulated in the said County of *Gloucester*, and also a like Notice shall be affixed on the principal outer Door of the Parish Church of *Cheltenham* aforesaid, for two *Sundays* before such Day or Days of Meeting; and all Lands, Houses, or other Buildings which shall from Time to Time be so fixed and appointed, shall be and be deemed and taken to be within the said Town of *Cheltenham* or Suburbs thereof, for the Purposes of the said recited Act and this Act, and shall be subject and liable to all the Powers, Provisions, and Authorities of the said recited Act and of this Act.

Exemption from Rates.

C. Provided always, and be it further enacted, That no Person shall be rated or pay the Rates or Assessments which shall be made by virtue or in pursuance of this Act, who shall occupy a House or Houses within the said Town or its Suburbs, of less than the yearly Value of Five Pounds; and no Rate or Assessment shall by virtue of this Act be charged or made payable by any Person, who by reason of his or her own Poverty

only is or shall be excused from paying any Rate made for the Relief of the Poor, nor shall any Person be charged or rated in or by such Rate or Assessment as aforesaid, for or on account of any Lands whatsoever, which shall at the Time of making any such Rate or Assessment be used as Arable Land, Meadow, or Pasture Ground only, and shall not adjoin to some Street, Square, Crescent, House, Building, Lane, or other publick Passage or Place, within the said Town or the Suburbs thereof.

CI. Provided also, and be it further enacted, That no Messuage, Warehouse, Building, Garden, Tenement, or Hereditament hereby made liable to be rated or assessed, shall be charged or chargeable with any Rate or Assessment as aforesaid, during the Time the same shall be empty or unoccupied, and excused from Payment of the assessed Taxes upon Houses and Windows on that Account.

Houses, &c.
unoccupied
not to be
rated.

CII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment, Rates or Assessments, which shall be made in pursuance of this Act, such Person or Persons shall and may first apply for Relief to the said Commissioners, at the First or Second Meeting to be holden next after Demand shall be made of such Rate or Assessment; and the said Commissioners are hereby authorized and empowered, if they shall think the Person or Persons aggrieved, to give such Relief in the Premises as to them shall seem reasonable; and if any Person or Persons so applying to such Commissioners, shall not be satisfied with their Order or Determination, or such Application shall not be attended to by the said Commissioners at such First or Second Meeting as aforesaid, then such Person or Persons shall nevertheless be obliged to pay such Rate, and then and not before may appeal in the Manner herein-after mentioned, to the General Quarter Sessions of the Peace to be holden in and for the said County of Gloucester, for Relief in the Premises.

Persons ag-
grieved by
Rates may
apply to the
Commission-
ers.

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

Power to bor-
row Money on
the Credit of
the Rates.

WE, _____ of the Commissioners, appointed by or in pursuance of an Act, made in the Forty-sixth Year of the Reign of His Majesty King George the Third, intituled, *An Act*, [here set forth the Title of this Act] in Consideration of the Sum of _____ advanced and lent by A. B. upon the Credit and for

[Loc. & Per.]

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the

the Purposes of the said Act, do hereby grant and assign unto the said
A. B. [or, to his Trustee or Trustees, as the Case may require] his Execu-
 tors, Administrators, and Assigns, such Proportion of the Rates of
 Assessments arising by virtue of the said Act, as the said Sum of
 doth or shall bear to the whole Sum which may
 at any Time be borrowed, or be or become due and owing, or be
 charged upon the Credit of the said Act, to be had and holden from this
 Day of _____ until
 the said Sum of _____ with lawful Interest for the same,
 shall be repaid and satisfied. In Witness whereof we the said Commis-
 sioners have hereunto set our Hands and Seals, the
 Day of _____ in the Year _____

And every such Security shall be good, valid, and effectual in the Law.

Power for
 Commissioners
 to raise Mo-
 ney by An-
 nuities.

CIV. And be it further enacted, That in case the said Commissioners shall think it advisable to raise all or any Part of the Money to be borrowed under this Act, by granting Annuities for Life or Lives, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant Annuities to any Person or Persons, who shall advance and pay into the Hands of the Treasurer to the said Commissioners, such Sum or Sums of Money as to the said Commissioners shall seem right and proper, for the absolute Purchase of any Annuity or Annuities, to be paid and payable during the natural Life or Lives of any such Person or Persons, or the Life or Lives of any Nominee or Nominees of such Person or Persons; so that no such Annuity do exceed the Rate of Ten Pounds *per Centum per Annum* upon a single Life, except in Cases where the Person for whose Life any Annuity shall be paid, be of the Age of Sixty-three Years or upwards; and the Expence of every such Grant shall be defrayed by the said Commissioners; and the Grant of every such Annuity shall be in the Words or to the Effect following; that is to say,

WE _____ of the Commissioners, appointed by or
 in pursuance of an Act of Parliament, made in the Forty-sixth
 Year of the Reign of His Majesty King George the Third, intituled, *An Act*
here set forth the Title of this Act in Consideration of the Sum of
 _____ paid by *A. B.* to *C. D.* the Treasurer appointed
 in pursuance of the said Act, do hereby grant unto the said *A. B.* an
 Annuity or yearly Sum of _____ to be payable and
 paid out of the Rates or Assessments to be raised or made by virtue of
 the said Act; which Annuity or yearly Sum of _____
 shall be paid to the said *A. B.* or his Assigns, during the Term of his
 natural Life [or, to the said *A. B.* his Executors, Administrators, or
 Assigns, during the natural Life of *C. D.* as the Case may be] by equal
 Half-yearly Payments, on the _____ Day of _____
 and _____ Day of _____ in every Year, with a
 proportionable Part up to the Day of his Death; the first Payment
 thereof to be made upon the _____ Day of _____
 next ensuing the Date hereof. In Witness whereof
 we the said Commissioners have hereunto set our Hands and Seals, the
 Day of _____ in the Year _____
 _____ And

And every such Grant shall be good, valid, and effectual in the Law; without any Inrolment or Registry of the Memorial thereof; and every such Annuity so granted as aforesaid shall be and is hereby charged upon, and shall be payable and paid by the Treasurer to the said Commissioners; out of the Rates or Assessments, and other Money to be received by virtue of this Act, according to the Grant of such Annuity.

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

Power of transferring Mortgages and Annuities in a prescribed Form.

I *A. B.* being entitled to the Sum of _____ or an Annuity of _____ [as the Case may be] by virtue of an Assignment [or, Grant of an Annuity] bearing Date the _____ Day of _____ under the Hands and Seals of the Commissioners acting in the Execution of an Act of Parliament, made in the Forty-sixth Year of the Reign of His Majesty King *George* the Third, intituled, *An Act* [here set forth the Title of this Act], upon the Credit of the Rates or Assessments raised or made by virtue of the said Act, do hereby transfer all my Right, Title, and Interest in and to the same Sum [or, Annuity], and all Interest and other Money now due and owing thereon, and all Benefit and Advantage to be had or made thereby, to *E. F.* his Executors, Administrators, and Assigns. Dated this _____ Day of _____ in the Year of our Lord _____

And the Person or Persons to whom such Transfer may be made, his her, or their Executors or Administrators, may from Time to Time transfer such Security for Money or Annuity to any other Person or Persons whomsoever in a similar Way; and a Copy of every Security, Grant, or Assignment which shall be made in pursuance of this Act, and an Extract of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Commissioners, which Extract shall specify and contain the Date, Names of the Parties, and Sums of Money thereby transferred; to which Book any Person interested shall at all reasonable Times have Access, and have free Liberty to inspect the same without Fee or Reward; and for the Entry of every such Transfer, the said Clerk shall be paid by the Person to whom such Transfer shall be made, the Sum of Three Shillings and Sixpence and no more; and every such Transfer after Entry thereof as aforesaid, shall entitle the Person to whom the Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any other Registry or Inrolment whatsoever.

CVI. Provided always, and be it further enacted, That every Assignment of Mortgage which shall be made by virtue of this Act, for any Sum of Money which shall be borrowed by the said Commissioners on the Credit of the said Rates or Assessments as herein-before is mentioned, shall and may be redeemed by the said Commissioners, at such Times and in such Manner as the said Commissioners shall think fit, Six Calendar Months previous

Mortgages may be redeemed by the Commissioners.

previous Notice having been given to the Person or Persons entitled to such Sum lent on the Credit of the said Rates or Assessments by the said Commissioners of their Intention of redeeming the same; and full Payment of the Principal Money so borrowed, and Interest after the Rate at which the same shall be so borrowed, being made to such Person or Persons, and he, she, or they may and are authorized to call for the Payment thereof, as he, she, or they shall think fit, giving the like Notice to the said Commissioners or their Clerk.

Interest on
Mortgages
and Annuities
how to be re-
covered.

CVII. And be it further enacted, That in case the Interest for the said Mortgages, or the said Annuities, or any Part thereof, shall be behind and unpaid by the Space of Thirty Days next after the same shall become due and be payable as aforesaid, and have been demanded, then it shall be lawful for the said Commissioners, and they are hereby required, on Application to them made by any Creditor or Creditors whose Interest, Annuity or Annuities shall be so in Arrear, by any Order under their Hands and Seals, to appoint one or more Person or Persons to receive the Whole, or any Part or Parts of the said Rates or Assessments; and that the Money so to be received by such Person or Persons shall be so received to and for the Use and Benefit of the Person or Persons to whom such Interest, Annuity or Annuities in Arrear shall be due, and shall be paid to him, her, or them accordingly; and when the Interest, Annuity or Annuities so in Arrear, as well as the Interest, Annuity or Annuities which shall accrue and grow due whilst the Person or Persons so to be appointed as aforesaid shall be in the Receipt of such Rates and Assessments together with the Costs and Charges of recovering, receiving, and paying over the same in Manner aforesaid, shall be fully satisfied and paid, the Power and Authority of such Receiver or Receivers for the Purposes aforesaid, shall cease and be at an End; or otherwise if such Creditor shall think proper, such Interest, Annuity or Annuities so due and in Arrear as aforesaid, shall and may be sued for and recovered by him, her, or them, with Costs of Suit, by an Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Expences of
Act.

CVIII. And be it further enacted, That out of the Monies to be raised and received by virtue of this Act, the Costs, Charges, and Expences of obtaining and passing this Act, or incident thereto, and the Interest of the Money which shall have been advanced for those Purposes, shall in the first place be paid and discharged.

Penalty on
Persons inter-
rupting or
assaulting
Workmen.

CIX. And be it further enacted, That if any Person or Persons shall at any Time or Times obstruct, hinder, or molest any of the Commissioners, or any Treasurer, Secretary, Clerk, Assessor, Collector, Receiver, Surveyor, Watchmen, Scavenger, or other Officer or Officers, Workmen, Person or Persons whomsoever, who is, are, or shall be employed by virtue of this Act, or any Bye Law, Rule, or Order, made in pursuance thereof, in the Performance of his or their Duty, or of any of the Matters or Things to be done in virtue or under the Authority of the same respectively, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

The Mode of
Recovery and
Application of
Penalties and
Forfeitures.

CX. And be it further enacted, That all Penalties and Forfeitures imposed or incurred under or by virtue of this Act, or any Bye Law, Rule,

or Order to be made in pursuance thereof, and all Costs, Charges, and Expences allowed, ordered, or directed to be paid by the Authority of this Act, or any such Bye Law, Rule, or Order, the Manner of recovering whereof is not herein otherwise directed, shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace, for the County, City, or Place where the Offence shall be committed, or where the Offender shall be or reside, which Warrant such Justice is hereby empowered and required to issue, upon Confession of the Party or Parties offending; or upon the Evidence of any credible Witness upon Oath (or Affirmation) and the Overplus of the Money, if any, arising by such Distress and Sale, shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale, and of recovering such Penalties and Forfeitures; and all such Penalties and Forfeitures, when recovered, shall if not herein directed to be otherwise applied, be paid to the Treasurer of the said Commissioners, and be applied by him for such of the Purposes of this Act as the said Commissioners shall think fit; and in case sufficient Goods and Chattels cannot be found, or such Penalties or Forfeitures shall not forthwith be paid, it shall be lawful for the said Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Bridewell or House of Correction in the Town of *Cheltenham*, or to any other Bridewell, Prison, or House of Correction in or for the County of *Gloucester*, there to remain for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, shall be sooner paid or satisfied.

CXI. And be it further enacted, That all Notices and Summonses which are directed or required to be given by this Act, or which are or may be directed or required to be given by any Bye Law, Rule, or Order to be made in pursuance of this Act, or which shall or may be necessary for carrying into Execution any of the Powers of this Act, or any or either of such Bye Laws, Rules, or Orders, of which the Manner of serving the same is not particularly directed by this Act, shall or may be served personally on the Person or Persons to whom such Notices respectively are to be given, or left at his, her, or their last or usual Place of Abode.

Directing the
Manner of
serving
Notices.

CXII. Provided always, and be it further enacted, That no Person or Persons shall be subject or liable to the Payment of any of the Penalties or Forfeitures inflicted by virtue of this Act, for any Offence or Offences against this Act, or against any Bye Law, Rule, or Order to be made in pursuance thereof, unless some Proceedings or Notice of some intended Proceedings shall be had or given according to the Direction of this Act, or of such Rule, Order, or Bye Law, respecting such Offence or Offences, within Six Calendar Months next after such Offence committed.

Proceedings
to be within
Six Months.

CXIII. And be it further enacted, That if any Action or Actions shall be brought against any Person or Persons for any Thing relating to this or the said recited Act, or the Powers herein contained, or any Bye Law, Rule, or Order to be made in pursuance thereof, and a Verdict shall be had and given against the Defendant or Defendants therein, such Defendant or Defendants shall pay Double Costs, and the Plaintiff or Plaintiffs in such Action or Actions shall have such Remedy or Remedies

In Cases of
Verdict in
favour, Per-
sons convict-
ed to pay
Double Costs.

[*Loc. & Per.*]

27 G

for

for recovering the same, as any Plaintiff or Plaintiffs may have for his, her, or their Costs in any other Case by Law.

Declaring Inhabitants to be competent Witnesses in Actions, &c.

CXIV. And be it further enacted, That in any Action, Prosecution, Information, Proceeding, or Suit whatsoever, relating to or concerning the Execution of this or the said recited Act, or of any Bye Law, Rule, or Order made in pursuance thereof, no Person shall be deemed incompetent to give Evidence by reason of his or her being rated or assessed to, or paying any of the Rates or Assessments to be imposed by virtue of this or the said recited Act; nor shall any Clerk to the said Commissioners be deemed to be incompetent to give Evidence in any Action or Actions in which he is not personally interested, and in which he is made Plaintiff or Defendant, merely in consequence of his Situation as such Clerk as aforesaid.

For compelling the Attendance of Witnesses.

CXV. And be it further enacted, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before any Justice or Justices of the Peace, touching any Matters of Fact contained in any Information or Complaint for any Offence against this or the said recited Act, or against any Bye Law, Rule, or Order made in pursuance thereof, whether on the Part of the Prosecutors or of the Person or Persons complained of, and which Summons such Justice or Justices as aforesaid are hereby authorized to issue, where and in such Cases only as such Justice or Justices as aforesaid is and are made competent by this Act to hear and determine the same; and if any such Person or Persons so summoned as aforesaid, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for such his, her, or their Refusal or Neglect, to be approved of by such Justice or Justices, or appearing shall refuse to be examined on Oath (or on solemn Affirmation) and to give Evidence before such Justice or Justices, then and in every such Case, every such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Form of Conviction of Offenders.

CXVI. And, for the more easy convicting of Offenders against this Act, be it enacted, That the Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, or against any Bye Law, Rule, or Order to be made in virtue or pursuance thereof, and over which such Justice or Justices has or have hereby Cognizance, shall and may cause the Conviction to be drawn up in the Form or to the Effect following; that is to say,

County of Gloucester,
(or other County as
the Case may be.) } **BE** it remembered, That on this
Day of
in the Year of our Lord
A. B. is duly convicted before of His
Majesty's Justices of the Peace for the
of having [here state the Offence] contrary to the Form of the Statute in
that Case made and provided [or, contrary to a certain Bye Law, Rule,
or Order made on the Day of
pursuant to the said Statute [as the Case may
be]; and I [or, we, as the Case may be] do declare and adjudge that the
said A. B. hath forfeited for his [or her, as the Case may be] said Offence,
the Sum of Given under my Hand [or, our
Hands,

‘ Hands, [as the Case may be] the Day and Year first above written.’

CXVII. And be it further enacted, That in all Cases where the said Commissioners, or any Justice or Justices of the Peace, is or are by this Act, or shall or may be by any Bye Law, Rule, or Order to be made in pursuance thereof, authorized or required to examine any Person or Persons on Oath or Affirmation, it shall be lawful for such Commissioners, and Justice or Justices respectively, to administer such Oath or Affirmation; and that if any Person or Persons shall upon his, her, or their Examination upon Oath or Affirmation before the said Commissioners, or Justice or Justices respectively, wilfully and corruptly give false Evidence, such Person or Persons so offending and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to such Pains and Penalties as by any Law now in being, Persons convicted of wilful and corrupt Perjury are subject and liable to.

Power to administer Oaths.

CXVIII. And be it further enacted, That it shall be lawful for the Justice or Justices of the Peace before whom any Offender shall be convicted of any Offence against this or the said recited Act, or against any Bye Law, Rule, or Order made in pursuance hereof, if he or they shall think fit, to allow and pay any Part of the Fine, Penalty, or Forfeiture which shall be imposed upon and received of any such Offender convicted before him or them of any such Offence as aforesaid (unless herein otherwise directed) not exceeding One-half Part thereof, to the Informer or Informers, against such Offender, in such Shares and Proportions as to such Justice or Justices shall seem meet.

Power for Justices to make Allowances to Informers.

CXIX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made or be demanded in pursuance of this or the said recited Act, after an Appeal made to the said Commissioners in Manner by this Act directed, against such Rate or Assessment; or if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order, Judgement, or Determination of the said Commissioners, or by any Penalty imposed, or by any Conviction made, or by any other Thing done in pursuance of this or the said recited Act, or of any Bye Law, Rule, or Order to be made in pursuance thereof, (save and except in such Cases where any Order, Judgement, or Determination is herein directed to be final or conclusive, and save and except in such Cases for which any other Method of Relief is herein appointed), such Person or Persons may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the said County of Gloucester, within Six Calendar Months next after the Cause of Complaint shall have arisen, or at any Adjournment of such Session, the Person or Persons appealing first giving or causing to be given to the Clerk to the said Commissioners Twenty-one Days Notice in Writing of his, her, or their Intention to bring such Appeal, and of the Cause or Matter thereof, and forthwith after such Notice, entering into a Recognizance before some Justice of the Peace for such County, with sufficient Sureties conditioned to try such Appeal, and to abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Sessions or Adjournment thereof; and the Justices at such Sessions or Adjournment thereof,

Appeal.

thereof, upon due Proof of such Notice having been given, and of such Recognizance having been entered into as aforesaid, shall hear and finally determine every such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as the said Justices shall think proper, and shall and may at their Discretion discharge or mitigate all or any of the Penalties or Forfeitures incurred by the Party or Parties appealing; and the Determination of the said Justices in their said General Quarter Sessions or Adjournment thereof, shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

Justices may
relieve on ap-
peal from
Rates.

CXX. And be it further enacted, That on any Appeal from any Rate or Rates, Assessment or Assessments to be made by the said Commissioners for the Purposes of this Act, the Justices at such General or Quarter Sessions shall and may amend the same if they shall think proper, in such Manner as may be necessary for giving Relief to the Person or Persons, Body or Bodies Politick, Corporate, or Collegiate aggrieved, without quashing or altering such Rate or Rates, Assessment or Assessments, with respect to any other Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, mentioned in the same; but if upon Appeal from the whole Rate or Rates, Assessment or Assessments, it shall be found necessary to set aside the same, then and in such Case the said Justices shall and may order a new Rate or Rates, Assessment or Assessments, to be made in Manner herein directed.

Proceedings
not to be
quashed or re-
moved by
Certiorari.

CXXI. And be it further enacted, That no Order, Verdict, Rate, Assessment, Judgement, Conviction, or other Proceeding, touching or concerning any of the Matters aforesaid, or touching or concerning any Offence against this Act, or any Bye Law or Order to be made in pursuance thereof, shall be quashed or vacated for want of Form only, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Persons ap-
pealing to
have a Copy
of his Con-
viction deli-
vered to him.

CXXII. And be it further enacted, That when any Person shall appeal from and against any Determination or Conviction as aforesaid, the Justice or Justices making such Determination or Conviction, shall upon the Request of the Person appealing, deliver or cause to be delivered to such Person, his or her Attorney or Agent, a Copy of such Determination or Conviction, at least Twelve Days before such Appeal is to be tried, for which Copy the Person applying for the same shall pay to the said Justice or Justices, his or their Clerk or Clerks, the Sum of Two Shillings and Sixpence and no more; but if it shall happen that the said Justice or Justices cannot conveniently cause the said Determination or Conviction to be drawn up, so as to be delivered Twelve Days before such Appeal is to be tried, then the said Determination or Conviction shall be returned to and filed at the next Quarter Sessions of the Peace to be holden in and for the said County of *Gloucester*; and in that Case the Hearing of the said Appeal shall stand over and be adjourned to the then next Quarter Sessions, when and where the same shall be finally determined in Manner aforesaid.

CXXIII. And

CXXIII. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this or the said recited Act, or of any Bye Law, Rule, or Order to be made in pursuance thereof, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceeding 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 so distraining; but the Person or Persons aggrieved by such Irregularity, shall and may recover Satisfaction for the Special Damage in an Action upon the Case.

Distresses not
unlawful for
Want of
of Form.

CXXIV. And be it further enacted, That no Action, Suit, or Information shall be commenced against any Person or Persons for any Thing done or to be done under or by virtue of this Act, or of any Bye Law, Rule, or Order to be made in pursuance thereof, until Twenty-one Days Notice thereof shall be first given in Writing to the Clerk to the said Commissioners for the Time being, signed by the intended Plaintiff or Plaintiffs, of the Cause and Intention of, and for commencing such Action or Suit, nor at any Time whatsoever, after sufficient Satisfaction or Tender thereof shall have been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed, for which such Action or Actions, Suit or Suits, shall be brought; and in case there shall be a Continuation of Damages, then not after Six Calendar Months next after the doing or committing such Damage shall cease; and in case no such Tender as aforesaid shall be made before an Action brought, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgement 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; and all such Actions and Suits shall be laid and tried in the County of *Gloucester*, and not in any other County or Place; 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 or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act, or of some Bye Law, Rule, or Order made in pursuance thereof; and if the same Matter or Thing shall appear to have been so done, or if it shall happen that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time herein-before for that Purpose limited, or shall be laid or brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants therein; and also if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of such Action or Actions or Judgement, after the Defendant or Defendants shall have appeared thereto, or if Judgement shall be given for the Defendant or Defendants therein, or if any Verdict shall pass upon the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall

Limitation
of Actions.

have such Remedy for recovering the same, as any Defendant or Defendants hath or may have for his, her, or their Costs in any other Cases by Law.

This Act not to prejudice the Rights of the Lord of the Manor.

CXXV. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prejudice, lessen, or defeat any Right, Interest, Property, Power, Privilege, Franchise, or Authority of the Right Honourable Lord *Sherborne* as Lord of the Manor of *Cheltenham* aforesaid, or as Lord of the Fairs and Markets within the said Town; but all and every such Rights, Interests, Property, Powers, Privileges, Franchises, and Authorities, may be exercised and enjoyed in as full and ample Manner to all Intents and Purposes, as the same were exercised and enjoyed before the passing of this Act.

Publiick Act.

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

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