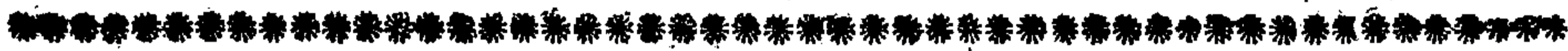




ANNO QUINQUAGESIMO NONO

# GEORGI II. REGIS.



## Cap. lxxix.

An Act for enabling the Governor and Guardians of the Poor of the City of *Gloucester* to light the said City with Gas, and to enter into the necessary Contracts for that Purpose. [14th June 1819.]

**W**HEREAS an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for the more effectual Relief and Employment of the Poor within the City of Gloucester, and for lighting the Streets of the said City*, by virtue whereof certain Persons were incorporated by the Name of *The Governor and Guardians of the Poor of the City of Gloucester*; and it was by the said Act directed, that such Number of Glass Lamps should from Time to Time be erected, set up, and fixed for the lighting of the said City, as the said Governor and Guardians should deem expedient (the Precincts of the College there only excepted); and the said Governor and Guardians were thereby authorized to contract and agree for the erecting, setting up, and repairing such Lamps, and for lighting the same for any Term not exceeding One Year at a Time, and to cause the Expences incident thereto to be raised and levied in Manner therein mentioned: And whereas another Act was passed in the Twenty-first Year of the Reign of His said Majesty, intituled *An Act for erecting a new Gaol, and for removing certain Gateways in the City of Gloucester, and for amending the several Acts passed for the Maintenance and Support of the Poor of the said City, and lighting, paving, and regulating the Streets there*; by which certain new Regulations were enacted

4 G. 3. c. 60.

21 G. 3. c. 74.

[Local.]

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enacted

enacted respecting the Mode of lighting such Lamps: And whereas, notwithstanding the Provisions contained in the herein-before recited Acts, the said City of *Gloucester* is very imperfectly lighted, and it would materially conduce to the Improvement of the said City if the said Governor and Guardians were empowered to light the same with Gas; but inasmuch as they are restrained by the said first-mentioned Act from entering into any Contract for lighting the Lamps within the said City for any longer Term than One Year at a Time, and as they are not by either of the said Acts authorized to lay down Pipes, or to erect the necessary Buildings for such Purpose, this desirable Object cannot be carried into Effect without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said first herein-before recited Act as restrains the said Governor and Guardians from entering into any Contract with any Person or Persons for lighting the Lamps within the said City of *Gloucester* aforesaid, for any longer Term than One Year at a Time, shall, from and immediately after the passing of this Act, be and the same is hereby repealed.

Repealing  
so much of  
Act as limits  
Contracts to  
One Year.

Contracts  
may be made  
for Twenty-  
one Years.

II. And be it further enacted, That it shall and may be lawful for the said Governor and Guardians, at any Meeting or Meetings to be holden by them after the passing of this Act, to agree and contract with any Person or Persons for laying down Pipes, erecting Posts, and fixing Lamps, at such Places and in such Manner as they shall deem necessary for effectually lighting the said City with Gas, and from Time to Time to make any further Contract or Contracts as they shall deem expedient, or as the Variation of Circumstances shall in their Judgment render desirable: Provided always, that no such Contract shall be entered into for any longer Term than Twenty-one Years at one Time, and that no such Contract be entered into by the said Governor and Guardians before the Twenty-fourth Day of *June* next after the passing of this Act.

Power to  
purchase  
Lands.

III. And be it further enacted, That it shall and may be lawful for the said Governor and Guardians to treat with any Person or Persons, Body Politic, or Corporate, or Collegiate, either for a Lease or for the absolute Purchase of any Messuages, Lands, or Hereditaments within the said City, not exceeding Two Acres, and to accept a Lease or Conveyance thereof to them and their Successors, without incurring or being subject to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever; and in all Actions, Suits, Indictments, or other Proceedings to be commenced by or against the said Governor and Guardians, respecting any Lands, Hereditaments, Property, or Effects to be taken or acquired by them under the Powers of this Act, it shall be sufficient to state generally that such Lands and Hereditaments, Property and Effects respectively, are the Property of the said Governor and Guardians.

Bodies Poli-  
tic, &c. em-  
powered to  
sell.

IV. And be it further enacted, That it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail General or Special, and all Feoffees in

in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves, and also for all Femmes Covert who are or shall be seised, possessed of, or interested in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, which shall be thought necessary by the said Governor and Guardians to be purchased for the Uses and Purposes of this Act, to treat, contract, and agree with the said Governor and Guardians for the Sale thereof, or of any Part thereof, and to sell and convey the same or any Part thereof, and all their Estate, Right, Title, and Interest whatsoever, of, in, and to the same, to the said Governor and Guardians for the Purposes of this Act; and all Contracts, 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, and without Enrolment, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their said several and respective Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion expectant on any such particular Estate; and the same shall be deemed and considered to bar the Dower and Dowers 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 claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law; any Law, Statute, or Usage, or any other Matter or Thing whatsoever to the contrary thereof, in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail General or Special, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all and every other Person and Persons, is and are hereby indemnified for what he, she, or they shall do by virtue and in pursuance of this Act.

V. And be it further enacted, That if any Money shall be contracted and agreed 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 Corporate, Collegiate, or Ecclesiastical, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as aforesaid, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his own Account, *ex parte* the Governor and Guardians of the Poor of the City of *Gloucester*, 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

Application of Purchase Money when amounting to 200l. and upwards.

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, and Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing and being 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 and with the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments, which shall be taken or used for the Purposes of this Act, stood and were settled and limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application made thereto as aforesaid, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were then actually made.

When less than 200l. and exceeding 20l.

VI. Provided always, and be it further enacted, That if any Money so contracted and agreed to be paid for any Lands, Tenements, or Hereditaments, to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Corporate, Collegiate, or Ecclesiastical, Tenant for Life or in Tail, Trustee, Feme Covert, Infant, Lunatic, or any Person or Persons under any Disability or Incapacity, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in Cases of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, 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 named by the Person or Persons making such Option, and approved by the said Governor and Guardians; such Nomination and Approbation to be signified by Writing under the Hands of the nominating Parties, and under the Common Seal of the said Governor and Guardians, in order that such principal Money, and the Dividends to arise thereon, may be applied in Manner herein-before directed, so far as the Case shall be

be applicable, without obtaining or being required to obtain the Direction and Approbation of the said High Court of Chancery.

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

Not exceeding 20l.

VIII. 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 said Accountant General of the High Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, and 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 to 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 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; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

In case of not making out a good Title, Persons in Possession of the Lands to be deemed entitled thereto.

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

Expences of Purchase may be allowed by the Court.

X. And be it further enacted, That upon Payment of the Money so contracted or agreed to be paid for the Purchase of such Lands, Tenements, or Hereditaments, by the said Governor and Guardians, to the Party or Parties, or Person or Persons respectively entitled to such Monies,

On Payment of Purchase Money, Premises vested in the Governor and Guardians,

[Local.]

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or their Agents, or upon Payment thereof into the Bank of *England*, for the Purpose of being disposed of in Manner herein-before directed, as the Case may be, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law or Equity, of the Party and Parties, and Person and Persons respectively, to whom or for whose Use the same shall be paid, in, to, or out of such Lands, Tenements, and Hereditaments, shall vest in the said Governor and Guardians, and their Successors for ever, or for such Term and Estate as such Purchase or Purchases shall be made, for effecting the Uses and Purposes of this Act.

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

Form of  
Conveyance.

‘ I [*or we, as the Case may be*] of \_\_\_\_\_ in consideration  
 ‘ of the Sum of \_\_\_\_\_ to me [*or us*] paid by the  
 ‘ Governor and Guardians of the Poor of the City of *Gloucester*, do  
 ‘ hereby grant and release [*or assign, as the Case may be*] to the said  
 ‘ Governor and Guardians, and their Successors, all [*here describe the Pre-*  
 ‘ *misses to be conveyed*] and all my [*or our*] Right, Title, and Interest in  
 ‘ and to the same, and every Part thereof, to hold to the said Governor  
 ‘ and Guardians, and their Successors for ever, or [*as the Case may be*]  
 ‘ during all the Remainder of my [*or our*] Term, Estate, and Interest  
 ‘ in the said Premises. In Witness whereof I [*or we*] have hereunto set  
 ‘ my Hand and Seal [*or our Hands and Seals*] this \_\_\_\_\_ Day of \_\_\_\_\_ in  
 ‘ the Year of our Lord One thousand eight hundred and \_\_\_\_\_.’

Refale of  
Lands not  
wanted.

XII. And whereas the said Governor and Guardians, under the Provisions of this Act, may purchase Lands, Tenements, or Hereditaments, which may be found not necessary, or not wanted for the Purposes thereof, be it further enacted, That it shall and may be lawful for them, for a valuable Consideration in Money, to sell and convey all or any Part or Parts of the Lands, Tenements, and Hereditaments which may have been so purchased, and which shall not be wanted for the Purposes of this Act; and upon Payment of the Purchase Money for the same, it shall and may be lawful for the Treasurer for the Time being to the said Governor and Guardians to sign and give a Receipt or Receipts for the Money for which the same shall be sold, which Receipt or Receipts shall be sufficient Discharges to any Person or Persons for the Money therein and thereby expressed or acknowledged to be received; and such Person or Persons having *bona fide* paid the same shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

Power to  
break up  
the Soil and  
Pavements of  
Streets, &c.  
for laying  
Pipes and  
lighting  
Houses, &c.

XIII. And be it further enacted, That it shall be lawful for the said Governor and Guardians, and their Successors, and they are hereby fully authorized and empowered, by their Contractors, Servants, Agents, Workmen, and others, from Time to Time to make and erect such Retorts, Gasometers, Receivers, and other Buildings, Cisterns, Engines, Machines, or other Apparatus, Cuts, Drains, Sewers, Watercourses, Reservoirs, and other Works and Devices, on the Lands to be purchased or acquired by them, by virtue of the Powers herein-before contained; and to sink and lay

lay Pipes, and to erect and fix them against any Walls, or in Posts or Pillars in the Streets, of such Construction, and in such Manner, as the said Governor and Guardians shall think necessary or proper for carrying the Purposes of this Act into Execution; and also to break up the Soil and Pavements of any Streets, Highways, Roads, Ways, Lanes, and Passages within the said City, and to dig and sink Trenches and Drains, and lay Mains or Pipes, and put Stopcocks, Cyphons, Plugs, or Branches from such Pipes, in, under, across, and along the same, and in such Manner as shall be necessary for the Purpose of carrying this Act into Execution; and from Time to Time to alter the Position of and to repair, relay, and maintain such Pipes, Stopcocks, Cyphons, and Plugs or Branches; and also to carry, fit up, and furnish any Pipe or Pipes, Cocks or Branches, or other necessary Apparatus, from any Main or Pipe laid in any Street, Road, Highway, Lane, or Passage by virtue of this Act, for the Purpose of lighting any public or private Lamp from any of such Mains or Pipes, and to erect and set up any Machine or other Apparatus necessary or requisite for securing to any Dwelling House or Houses, Manufactories, public or private Buildings, a proper and competent Supply of Gas, or for measuring and ascertaining the Extent of such Supply; and also to alter or amend any bad or imperfect Work which shall have been so placed which shall be injured or damaged, and to do all such other Acts, Matters, and Things as the said Governor and Guardians, or their Contractor, shall from Time to Time think necessary and convenient for completing, amending, repairing, improving, supplying, and using the same, provided a proper Compensation be made for any Damage which may be done thereby.

XIV. And be it further enacted, That the Workmen employed in laying or repairing any such Mains, Pipes, Plugs, Cocks, Cyphons, or Branches, shall do as little Damage as may be, and shall forthwith fill in the Trenches, and make good the Pavements and Roads, and carry away the Rubbish occasioned thereby, and repair any Damage arising from any Drains, Sewers, or Cuts which may be made for the Purposes of this Act, without any Delay, and shall in the meantime fence or guard the Place or Places where any Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages: Provided always, that if there shall be any wilful or negligent Delay in filling in any such Ground, or removing Rubbish, or making good any such Pavements or Roads, then and in every such Case it shall and may be lawful for the Surveyor of the Street or Place where such Delay shall take place, or any other Person under his Authority, to fill in such Ground, and remove such Rubbish, and to repair and make good the Pavement of any Street, Highway, Way, Lane, Passage, or Place so broken up, and the reasonable Costs and Charges thereof shall be paid by the said Governor and Guardians, or their Treasurer, to such Surveyors; and in default of Payment thereof for Ten Days next after Demand shall be made by such Surveyor or other Person acting by or under his Authority (Proof of such Demand being made by the Oath of Two credible Witnesses before one or more Justice or Justices of the Peace for the City of *Gloucester* aforesaid), all such reasonable Costs and Charges, together with any Sum not exceeding Forty Shillings by way of Penalty, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Governor and Guardians, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal or Hands and Seals of any such Justice or Justices

Workmen in laying Pipes to make good the Pavement.

Justices of the Peace of the said City of *Gloucester*, which Warrant such Justice or Justices is and are hereby empowered to grant; and such Costs, Charges, and Penalty shall be paid to such Surveyor or Person acting under his Authority.

Protection  
for the Water  
Pipes.

XV. And be it further enacted, That if in carrying into Execution any of the Powers or Authorities by this Act given or granted, any Injury or Damage shall be done or committed to any of the Pipes, Branches, Apparatus, Materials, or Things, by Means whereof the said City of *Gloucester*, or any Part thereof, is supplied with Water, either by removing or disturbing the Ground or Soil wherein or whereon the same is or are laid or placed, or by the Compression and subsequent settling or lowering of the same at any Time or Times afterwards, or by any other Means whatsoever, the said Governor and Guardians shall, at their own Expence, Costs, and Charges, within Six Days next after Notice in Writing to them given by any Two of the Justices of the Peace, or the Town Clerk of the said City or his Deputy, or by the Right Honourable *John Thomas Viscount Sydney*, his Heirs or Assigns, or the Renter of the Water Works for the Supply of the said City belonging to him or them, cause such Pipes, Branches, Apparatus, Materials, and Things to be well and effectually repaired and amended; and in Default or Neglect thereof it shall and may be lawful to and for the said Justices or Town Clerk, or for the said Viscount *Sydney*, his Heirs or Assigns, or the Renter of the said Water Works belonging to him or them, and they are hereby authorized and empowered, to cause such Pipes, Branches, Apparatus, Materials, and Things so injured or damaged as aforesaid, to be effectually repaired, amended, and made good, and the reasonable Costs, Charges, Damages, and Expences attending the same, shall be paid and defrayed by the said Governor and Guardians, or their Treasurer; and if they cannot agree touching the Amount or Value thereof, the same shall be ascertained and settled by the Justices of the Peace assembled at the then next General or Quarter Sessions of the Peace for the said City; or in case the said Viscount *Sydney*, his Heirs or Assigns, shall prefer the same, then by the Justices of the Peace assembled at the then next General Quarter Sessions of the Peace for the County of *Gloucester*, who are hereby authorized to hear and determine the same, and their Determination therein shall be final and conclusive; and such Damage and Expences, together with such Costs and Charges as shall be by them allowed, shall be levied and recovered by Warrant of Distress under their Hands and Seals.

No Pipes of  
Communication to be  
laid without  
Consent.

XVI. Provided always, and be it further enacted, That no Person shall lay or cause to be laid any Iron, Leaden, or other Pipe, to communicate with any Pipe which shall be laid down under the Authority of this Act, without the Consent of the said Governor and Guardians under their Common Seal; or in case of their having contracted with any Person or Persons for lighting the said City, then without the Consent of such Person or Persons under his or their Hand or Hands; nor shall any Person use Burners of larger Dimensions than he, she, or they respectively shall contract or pay for, or supply any Inhabitant or other Person with any Part of such Gas, on Pain of forfeiting and paying to the said Governor and Guardians, or their Contractor or Contractors, as the Case may be, the Sum of Twenty Shillings a Day for every Day such Pipe shall so remain, or such Excess be so committed, or such Supply furnished, to be recovered  
by



by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the City of *Gloucester* aforesaid, and which Warrant such Justice and Justices is and are hereby required and empowered to grant; and the Surplus, after such Penalty or Forfeiture, and the Charges of such Distress and Sale are deducted, shall be returned upon Demand to the Owner of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Forfeiture shall not be forthwith paid, it shall be lawful for such Justice or Justices to cause such Offender or Offenders to be committed to the House of Correction of the City of *Gloucester*, there to remain without Bail or Mainprize for such Time as such Justice or Justices shall direct, not exceeding Three Calendar Months, unless such Forfeiture, and all reasonable Charges, shall be sooner paid and satisfied; and it shall be lawful for the said Governor and Guardians, or their Contractor or Contractors, if they shall so think fit, also to take off the Gas from the House and Premises of the Person so offending by such Supply of Gas as aforesaid, notwithstanding any Contracts or Agreements which may have been previously entered into.

XVII. And be it further enacted, That if any Person shall wantonly or maliciously hinder or interrupt the said Governor and Guardians, or their Contractors, Agents, Workmen, or Servants, or any of them, in doing and performing any of the Works, or in Exercise of any of the Powers and Authorities by this Act granted, or shall in anywise cause or procure the same to be done, every Person so offending shall for every such Offence forfeit and pay to the said Governor and Guardians, or the Person or Persons by them authorized in that Behalf, any Sum not exceeding Ten Pounds; and also the full Amount of the Damage which shall be sustained by such Hindrance or Interruption, such Damage to be recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered.

Penalty for interrupting the Workmen.

XVIII. And be it further enacted, That it shall be lawful for the said Governor and Guardians to make such Sewers or Cuts of such Breadth, Depth, and Dimensions, and in such Manner as they shall think expedient, under the Streets, Ways, Lanes, Avenues, and Places within the said City and Suburbs, for the Purpose of carrying off the Washings or other Waste Liquids which may arise in the Prosecution of the Works aforesaid, the said Governor and Guardians doing as little Damage as may be in making the said Sewers or Cuts, and immediately repairing at their own Expence all such Damage; but that it shall not be lawful for the said Governor and Guardians to carry or convey or cause to be carried or conveyed to or into the River *Severn*, or into any Ditch, Brook, or Canal communicating directly or indirectly with the *Severn*, or with any of the Water Works of the said Viscount *Sydney*, any Washings or Liquids, or any Lime or other Ingredient, Matter, or Thing which shall arise or be produced in manufacturing or producing the said Gas, or in or by the Prosecution of any of the Works aforesaid.

Power to convey Washings, but not into the River *Severn*.

XIX. And be it further enacted, That if any Person shall wilfully or maliciously remove, take away, destroy, damage, or injure any or any Part of any Pipe, Post, Plug, Lamp, or other Apparatus, Matter, or Thing which shall be erected or placed by virtue of the Powers of this

Penalty for damaging Pipes.

[Local.]

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Act,

Act; or shall wilfully or maliciously waste or improperly use any of the Inflammable Air or Gas supplied by the Means thereof; every Person so offending in any of the respective Premises, and being thereof lawfully convicted on the Oath of One credible Witness before one or more Justice or Justices for the said City of Gloucester, shall forfeit and pay to the aforesaid Governor and Guardians, or to the Person or Persons authorized by them; any Sum not exceeding the Sum of Twenty Pounds, and Three Times the Amount of the Damage, to be ascertained by such Justice or Justices to be done; such Penalty and Damage, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender; returning the Overplus, if any, on Demand to the Owner of such Goods and Chattels; or such Offender shall and may be committed to the House of Correction for the City of Gloucester aforesaid, there to remain for any Time not exceeding Twelve Calendar Months.

Expences of  
the Act how  
to be raised.

XX. And be it further enacted, That all the Costs and Charges attending the obtaining and passing of this Act, and the first Expences incident to the carrying this Act into Execution, not exceeding in the whole the Sum of One thousand Pounds, with lawful Interest until the Payment thereof, shall be raised and paid in the same Manner and within the same Time as the Sums by the first herein-before recited Act authorized to be raised, for the first buying and erecting Lamps within the City of Gloucester aforesaid, were in and by the same Act directed to be raised and paid; and that the annual or other Sums which shall or may become payable, under and by virtue of any Contract or Contracts to be entered into by the said Governor and Guardians for the lighting the said City of Gloucester by virtue of the Powers herein-before contained, shall from Time to Time be raised and paid in the same Manner as the Sums by the said first herein-before recited Act authorized to be raised for defraying the Expences of lighting and keeping in Repair the Lamps thereby authorized to be maintained and lighted, are in and by the same Act directed to be raised and paid; and in order thereto the said Governor and Guardians shall and they are hereby authorized and required to ascertain and settle what Sum or Sums of Money will from Time to Time be expedient and necessary to be raised for the respective Purposes aforesaid, and to certify the same under their Common Seal to the Mayor and Aldermen of the said City; and thereupon the said Mayor, and any One of the said Aldermen, or any Three of the Aldermen without the Mayor, shall, by Warrant under their Hands and Seals, authorize the Churchwardens and Overseers of the Poor of the several Parishes within the said City to assess, collect, levy, and receive the Sum or Sums which shall be so certified; and the said Churchwardens and Overseers shall and they are hereby required to assess, levy, and receive the said Monies, and to pay over the same to the said Governor and Guardians, or their Treasurer for the Time being, by and within such Time or Times, and in such Manner and Form, and to enforce the Payment thereof by the same Means as are given and provided in and by the said first herein-before recited Act for the assessing, levying, collecting, and paying the Sums thereby authorized to be raised and levied: Provided always, that nothing herein contained shall authorize the said Governor and Guardians in any one Year to levy and raise on the Inhabitants of the said City, in respect of the Messuages in their respective Occupations, more than Sixpence in the Pound on the Value of such Messuages

for defraying the annual Sums which will become payable for lighting the said City under the Provisions herein contained.

XXI. And be it further enacted, That if the said Mayor and Aldermen shall refuse or neglect to authorize the Churchwardens and Overseers of the Poor of the said respective Parishes to tax, assess, collect, levy, and receive the said Sums which shall have been so as aforesaid to them certified; or if the said Churchwardens or Overseers, being so authorized as aforesaid, shall refuse or neglect to assess, collect, levy, and receive the same, or any Part thereof, or to pay over the same to the said Governor and Guardians, or their Treasurer, within the Times prescribed by the said first herein-before recited Act, then and in every such Case the said Governor and Guardians shall have the same Powers and Authorities for raising, levying, and enforcing the Payment of the same, in all Respects, as are in such and the like Case or Cases given to and vested in them in and by the said first herein-before recited Act.

Governor and Guardians to have like Power of levying Sums as granted by former Act.

XXII. Provided always, and be it further enacted, That any Body or Bodies Corporate or Collegiate, or any other Person or Persons whatsoever, thinking himself, herself, or themselves aggrieved by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may appeal to the Justices of the Peace at their next General Quarter Sessions of the Peace to be holden for the said City of Gloucester, in all Cases where the Mayor and Burgeses of the said City shall not be interested in their Corporate Capacity in the Matter of such Appeal, but in all Cases where the said Mayor and Burgeses shall be interested in their Corporate Capacity in the Matter of such Appeal, then to the Justices of the Peace at the next General Quarter Sessions of the Peace for the County of Gloucester, the Person or Persons appealing having first given at least Ten clear Days Notice of such Appeal, and the Nature and Matter thereof, to the Person or Persons appealed against, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for such City or County, as the Case may be, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall, in a summary Way, hear and determine such Complaint at such General Quarter Sessions of the Peace, or if they think proper may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for the said City or County, as the Case may be; and if they see Cause may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Order or Determination; and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices at such General Quarter Sessions shall be binding, final, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Appeal may be made to Quarter Sessions.

XXIII. And be it further enacted, That if any Person or Persons shall be summoned in Manner aforesaid as a Witness or Witnesses to give Evidence before any Justice or Justices of the Peace, touching any Matter contained in any Information or Complaint for any Offence against this Act, either on the behalf of the Prosecutor, or on behalf of the Person

For compelling the Attendance of Witnesses, and respecting Service of Notices.

or Persons accused, and shall refuse or neglect to appear from Time to Time at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for his, her, or their Refusal or Neglect of appearing, or appearing shall refuse to be examined upon Oath, or in case of a Quaker or Quakers on solemn Affirmation (which Oath or Affirmation such Justice or Justices is and are hereby authorized and required to administer), and to give Evidence before such Justice or Justices of the Peace, then and in every such Case every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, provided a reasonable Sum shall have been paid or tendered to such Person for Attendance as a Witness; and that in all Cases of Notices and Summonses by this Act directed or required to be given or served, which shall or may be necessary for carrying into Execution any of the Powers of this Act, the Service of any such Notices or Summonses, either on the Person or Persons to whom the same ought to be given, or leaving the same, or a true Copy thereof, at his, her, or their Dwelling House or usual or last Place of Abode, shall be good and sufficient Service of any and every such Notices.

Service of  
Notices, &c.  
on the Go-  
vernor and  
Guardians.

XXIV. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons, or Party or Parties, to serve any Notice or Notices upon the said Governor and Guardians, or any Writ or Writs or other legal Proceedings, the Service thereof upon the Treasurer of the said Governor and Guardians, or left at his last or usual Place of Abode, or at the Workhouse of the said City, shall be deemed good and sufficient Service of the same respectively on the said Governor and Guardians.

Affirmation  
instead of  
Oath.

XXV. Provided always, and be it further enacted, That the Affirmation or Affirmations of the People called *Quakers* shall be allowed of and taken in all Cases where any Oath or Oaths is or are directed to be taken by this Act, instead of such Oath or Oaths, and shall be administered by the same Person or Persons as such Oath or Oaths is or are to be administered.

Persons giv-  
ing false Evi-  
dence to be  
punished.

XXVI. And be it further enacted, That if any Witness or Witnesses who shall be examined by or before any Justice of the Peace, or otherwise, under this Act upon Oath, or in case of a Quaker or Quakers on solemn Affirmation, shall wilfully and corruptly give false Evidence, and shall be thereof convicted, he, she, or they so giving false Evidence, shall be deemed guilty of wilful and corrupt Perjury.

Proceedings  
to be within  
Six Calendar  
Months.

XXVII. And be it further enacted, That no Person or Persons, Body or Bodies Politic or Corporate, 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, unless Information respecting such Offence or Offences shall have been lodged before a Magistrate within Six Calendar Months next after such Offence committed.

Recovery  
and Appli-  
cation of  
Penalties.

XXVIII. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, in relation to which the Manner of convicting the Offenders is not particularly mentioned or directed, shall be adjudged by and recovered before any Justice of the Peace for the City of *Gloucester* in a summary Way, and who is hereby  
authorized

authorized and empowered to convict the Offender or Offenders, upon Information by the Oath of any Person or Persons, or on the Confession of the Party offending, which Oath such Justice is hereby authorized to administer; and in default of Payment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice; and one Moiety of the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any) on Demand to the Party or Parties whose Goods and Chattels shall be so distrained, the reasonable Charges of such Distress and Sale being first deducted, shall be paid to the Informer, and the other Moiety to the Overseers of the Poor of the Parish wherein such Offence shall be committed, to be by them applied towards the Relief of the Poor of such Parish; and in case sufficient Distress cannot be found, and such Penalties and Forfeitures shall not be paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the House of Correction for the City of Gloucester for any Time not exceeding Three Calendar Months.

XXIX. And for the more easy Conviction of Offenders against this Act, be it further enacted, That a Conviction, in the Form or to the Effect following, shall be good, without alleging more than the Substance of the Offence, viz.

<p>‘ City of Gloucester, to wit. } ‘ and ‘ Case shall be ] ‘ the City of Gloucester, ‘ Fifty-ninth Year of the Reign of King George the Third, intituled [here ‘ insert the Title of this Act] of having [specifying the Offence, and the ‘ Time and Place when and where the same was committed, as the Case shall ‘ be], contrary to the said Act, and for which Offence I [or we, as the ‘ Case shall be] do adjudge the said ‘ the Sum of ‘ Seal [or our, as the Case shall be, Hands and Seals], the Day and Year ‘ first above written.’</p>	<p>BE it remembered, That on the Day of in the Year of our Lord One thousand eight hundred is [or are] convicted before me [or us, as the of His Majesty's Justices of the Peace for by virtue of an Act of Parliament passed in the intituled [here [specifying the Offence, and the as the Case shall I [or we, as the do adjudge the said to have forfeited Given under my Hand and the Day and Year</p>	<p>Form of Conviction.</p>
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XXX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prevent any Person or Persons from proceeding by Indictment or otherwise against the said Governor and Guardians, or against any of their Officers, Servants, or Workmen, in respect of any of their Works, or the Method which shall be employed by them for furnishing such Light as aforesaid, as a public or private Nuisance, or from bringing any Actions against the said Governor and Guardians, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works or Method of lighting, whether such Injury shall proceed from the Nature of such Method of lighting, or the Carelessness or Want of Skill of the Persons employed by them.

XXXI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to the Mayor, Aldermen, Sheriffs, and Common Council of the City of Gloucester, and their Successors, all and every their Rights, Powers, Privileges, and Franchises, in such and the same Manner

[Local.]

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as

Saving to the King and to the Corporation of Gloucester of their Rights.

as they would have been entitled to, or would have enjoyed the same, if this Act had not been made.

Public Act:

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

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