



ANNO SEXTO

GEORGIIV. REGIS.

Cap. clxii.

An Act for paving, lighting, cleansing, watching, and improving the Borough of *Devizes* in the County of *Wilts*, and for removing and preventing Nuisances and Annoyances therein.

[22d June 1825.]

WHEREAS an Act was passed in the Twenty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending, regulating, cleansing, lighting, watching, and keeping in repair the Streets, Lanes, and Passages within the Borough of The Devizes in the County of Wilts; and for preventing Nuisances, Annoyances, and Obstructions therein*: And whereas the Powers and Provisions of the said Act have been found, in many respects, insufficient for the Purposes intended; and it is expedient that other Powers and Provisions should be granted and made for paving, lighting, cleansing, watching, and improving the said Borough, and for removing and preventing Nuisances and Annoyances therein: 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same, That from and after the passing of this Act the said recited Act shall be and the same is hereby declared to be repealed; save and except so far as respects the Clauses and Provisions concerning *Sunday* Tolls, which are herein-
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21 G. 3. c. 36.

Recited Act repealed.

after continued for a limited Period : Provided always nevertheless, that all and every Person and Persons, from or by whom any Rates or any Arrears of Rates laid or assessed by virtue of the said recited Act shall be due or unpaid at the Time of passing this Act, shall remain and be liable to the Payment thereof, in all respects as such Person and Persons was or were liable before the passing of this Act, or would have been liable in case the said recited Act had not been repealed and was still in force ; and all such Rates and Arrears of Rates shall be paid to and received by the Commissioners for executing this Act, or their Collectors or Receivers to be appointed as herein-after mentioned, and shall and may be recoverable and recovered in the same Manner and by the same Ways and Means as if such Rates or Arrears of Rates had been laid or assessed or become due under or by virtue of this Act, and as the Rates by this Act granted may be recovered and levied by virtue of this Act ; and each and every Treasurer, Collector, or other Person, in whose Hands, Custody, or Controul any Money received or collected under or by virtue of the said recited Act shall be at the Time of passing this Act, shall be and remain liable to pay, deliver up, and account for the same to the Commissioners for executing this Act, as if the said recited Act had not been repealed, or as if such Money had come to their or any of their Hands by virtue of this Act.

Former
Contracts to
continue in
force, &c.

II. And be it further enacted, That all Contracts, Stipulations, or Agreements entered into by the Commissioners acting by or under the said recited Act, with any Person or Persons whomsoever, shall, notwithstanding the Repeal of the said Act, subsist and continue for such Term or Terms and in such Manner as according to the Spirit thereof respectively the same would have subsisted and continued in case the said Act had not been repealed ; and this Act, and also the Rates or Assessments hereby granted or authorized to be made, shall be and are hereby made subject and liable to the Payment as well of all Monies which have been borrowed and are now due and owing on the Credit or on account of the said recited Act, together with all Interest due or to grow due thereon, as also of all Monies which may be borrowed by virtue of this Act, as herein-after mentioned, as fully and effectually to all Intents and Purposes whatsoever as if such Monies had been wholly borrowed and become due and owing on the Credit or on account of this Act.

Books used
under former
Act to be
Evidence
under this
Act.

III. And be it further enacted, That all Books containing the Accounts and Proceedings of the Commissioners for executing the said recited Act, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, and Actions whatsoever, in such and the same Manner as if the said recited Act had not been repealed.

Commission-
ers appointed.

IV. And be it further enacted, That the Mayor and Burgesses of and for the said Borough of *Devizes*, and each and every of them for the Time being, together with *William Robert Allbut, Benjamin Anstie, Paul Anstie, George Washington Anstie, James Overbury Anstie, John Armstrong, John Bayly*, the Reverend *Henry Bayntun* Clerk, the Reverend *James Biggs, Thomas Biggs, William Biggs, Richard Biggs, Joseph*

seph Bodman, James Bowman, Robert Herbert Brabant M.D., James Bullock, Thomas Burt, Henry Butcher, Edward Butler, Henny Chandler, William Clare, John Singleton Clark, Jacob Clark, William Cook, Jasper Cox, Jasper Cox junior, Joseph Crockett, William Cousins, Charles Coward, John Crook, Stephen Dark, James Dredge, Joseph Dredge, the Reverend Richard Elliott, Thomas Grimston Bucknall Estcourt, William Everett, John Fowler, Augustus Frederick, James Gent, Harry Gent, George Giddings, Thomas Grimes, John Harrison, John Hayward, Henry Headly M.D., Thomas James Heard, James Herring, William Honywill, John Holloway, Christopher Hook, John Hope, William Hughes, James Hull, Edward Ings, William Johnson, George King, Richard Knight, James Thomas Knight, Henry Knight, Valentine Leach, the Reverend James Lediard Clerk, Jabez Legg, the Reverend Samuel Littlewood Clerk, Wadham Locke, the Reverend Charles Lucas Clerk, Joseph Moore, Thomas Musselwhite, John Neate, Stephen Neate, Edward Newman, Thomas Oram, William Parsons, Nelson Perry, Reuben Phillips, John Powell, James Randell, Robert Reynolds, William Salmon, William Wroughton Salmon, Henry Saunders, Thomas Scott, William Sedgfield, George Simpson, William Shakespeare, John Slade, Joseph Sloper, Thomas Burrough Smith, George Smith, the Reverend Alfred Smith Clerk, Robert Strange, Timothy Strong, John Stratton, Joseph Tanner, Joseph Needham Taylor (Captain R. N.) William Sparks Tinney, Charles Trinder, John Tylee, Thomas Tylee, William Seymour Underwood, Peter Walker, John William Wall, Stephen Watson, William Waylen, Robert Waylen, Robert Waylen junior, John Wayte M.D., Samuel Whitchurch, George White, Benoni White junior, John Young, and their Successors, to be elected and appointed in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for carrying this Act into Execution.

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, (except the Mayor and Burgesses of the said Borough for the Time being), who shall not in his own Right, or in the Right of his Wife, or as a Copartner with any other Person or Persons, be in the actual Possession, Enjoyment, and Receipt of the Rents and Profits of Messuages, Buildings, Lands, Tenements, or Hereditaments, situate within the said Borough, of an Estate of Inheritance, or for a Life or Lives, or for any Term, of which not less than Thirty Years shall be unexpired, either absolute or determinable on a Life or Lives, of the clear yearly Value of Twenty Pounds (above Reprizes and Incumbrances), or in such Right or as such Partner as aforesaid be a Tenant or Occupier of Messuages, Buildings, Lands, or Tenements within the said Borough of the yearly Value of Twenty Pounds, such yearly Value to be respectively computed according to the Rate or Rates for the Relief of the Poor within the said Borough: Provided always, that no Person (being qualified as a Tenant or Occupier only) shall be capable of acting as a Commissioner in the Execution of this Act, until he shall have occupied some Messuage or other Premises as aforesaid within the said Borough for the Space of Six Calendar Months.

Qualification
of Commis-
sioners.

VI. Pro.

Oath of Commissioners.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, (except as aforesaid and except in administering the Oaths or Affirmations to the Chairman of a Meeting as herein-after mentioned), until he shall have taken and subscribed an Oath or Affirmation in the Words or to the Effect following :

‘ I A. B. do swear [or, being one of the People called Quakers, do solemnly declare and affirm], That I am really and *bond fide* in my own Right, or in the Right of my Wife, or as a Copartner with some other Person or Persons, now in the actual Possession, Enjoyment, and Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, situate within the Borough of *Devizes*, of an Estate of Inheritance, or for a Life or Lives, or for a Term of Years, of which not less than Thirty Years are unexpired, either absolute or determinable on a Life or Lives, of the clear yearly Value of Twenty Pounds according to the Poor Rate above Rerprizes and Incumbrances, [or, that I am an Occupier of Messuages, Buildings, Lands, or Tenements within the said Borough of *Devizes*, of the yearly Value of Twenty Pounds, according to the Poor Rate, *as the Case may be*], and that I will truly and impartially, according to the best of my Skill and Judgment, execute and perform all and every the Powers and Authorities reposed in me, by virtue of an Act passed in the Sixth Year of the Reign of His Majesty King George the Fourth, [*here insert the Title of this Act.*]

So help me GOD.

Commissioners not to act if interested, but may act as Justices.

VII. Provided also, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, during the Time he shall hold any Office or Place of Profit, or be concerned or interested directly or indirectly in any Contract or Contracts with the Commissioners acting in the Execution of this Act, or in any Matter wherein he shall be in anywise personally or beneficially interested (except as a Creditor on the Rates, Assessments, or Monies herein directed to be made, collected, levied, and received), but such of the said Commissioners as are Justices of the Peace may act as Justices of the Peace in the Execution of this Act notwithstanding their being Commissioners.

Penalty on Persons not qualified acting as Commissioners.

VIII. And be it further enacted, That if any Person not being qualified according to the Directions of this Act, or being disqualified by any of the Causes herein mentioned, or not having taken and subscribed such Oath as aforesaid, or being a Quaker not having made and subscribed such Affirmation as aforesaid, shall presume to act as such Commissioner 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, nor more than One Impar lance shall be allowed; and every Person so sued or prosecuted by reason of not being so qualified, shall prove that he was at the Time of acting qualified as aforesaid,

or

or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act; and the Money so to be recovered shall, after Payment of the Costs and Expences attending the Recovery thereof, be paid and apportioned 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: Provided always, that all Acts and Proceedings of any Person or Persons acting as a Commissioner or Commissioners in the Execution of this Act, although not duly qualified as aforesaid previous to his or their being convicted of any such Offence, shall notwithstanding such Conviction be as good, valid, and effectual as if such Person or Persons had been duly qualified to act as a Commissioner or Commissioners, according to the Directions of this Act.

IX. And be it 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 of their Meetings to be holden in pursuance of this Act, to elect and appoint any Number of Persons (not exceeding Twelve in the Whole, in addition to the Number of Commissioners herein named and appointed) to be Commissioners for the Purposes of this Act; and such Persons so elected and appointed, and being duly qualified as herein-before mentioned, shall be Commissioners for the Purposes of this Act, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named.

Power to appoint additional Commissioners.

X. And be it further enacted, That when and as often as any of the Commissioners herein-before named and appointed, or to be elected as aforesaid (except such as are Commissioners by virtue of their Situations or Offices), shall die, or shall by some Writing under his Hand, to be delivered to the Clerk to the said Commissioners, declare his Refusal to act, or shall become incapable of acting by reason of their ceasing to be in the Possession or Occupation of Property within the said Borough according to the Qualification herein-before mentioned, it shall and may be lawful for the surviving or remaining Commissioners to elect and appoint a Person to be a Commissioner in the Room of each and every such Commissioner so dying, or refusing or becoming incapable to act as aforesaid, and no Vacancies of the said Commissioners shall at any Time be filled up but at some General Meeting of the said Commissioners; and every Person who shall be elected and appointed a Commissioner as aforesaid (being qualified in manner herein-before mentioned), shall be joined with the surviving or remaining Commissioners, and have the like Powers and Authorities vested in him, in all Respects whatsoever, for putting this Act in Execution, as if he had been named a Commissioner in and by the same.

For electing new Commissioners in case of Vacancies.

XI. And be it further enacted, That it shall and may be lawful for any Five or more Commissioners, by Notice in Writing under their Hands, delivered to the Clerk to such Commissioners

Vacancies to be filled up when required.

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Days

Days at least before any General Meeting; from Time to Time to require the Vacancies of the said Commissioners to be filled up at their then next General Meeting; and the Commissioners at such then next General Meeting shall and they are hereby required to fill up such Vacancies accordingly, and not any longer to delay the same on any Pretence whatever (other than a Deficiency of Persons duly qualified according to this Act.)

First and other Meetings of the Commissioners.

XII. And be it further enacted, That the said Commissioners, or any Nine or more of them, shall and may upon the Third *Tuesday* after the passing of this Act assemble and hold a General Meeting, at the Hour of Eleven in the Forenoon, at the *Town Hall* in the said Borough, and shall and may then and there proceed in the Execution of this Act; and General Meetings of the said Commissioners shall also be held for carrying this Act into Execution, on the First *Tuesday* in the several Months of *February, May, August,* and *November* in each and every Year, and that the said Meeting in the Month of *May* shall be and be called the General Annual Meeting, and that the others of the said last-mentioned Meetings shall be and be called General Quarterly Meetings, and that each such Meeting shall be held at the same Hour and Place as before appointed for the said First Meeting, unless some other Hour, Day or Days, or some other Place within the Borough aforesaid, shall be appointed by the Commissioners assembled at the said First Meeting, or at any subsequent Meeting, at which there shall be at least Nine Commissioners assembled; and at every such Meeting or Meetings, at which there shall be at least Nine Commissioners assembled, it shall be lawful for the said Commissioners to adjourn the said Meeting or Meetings to any other Time and Place, and so from Time to Time as often as it shall be necessary; and if at any Time or Times when the said Meetings are hereby required to be held, or shall be so as aforesaid appointed to be held, or to which the same shall stand adjourned as aforesaid, there shall not be at such Meeting or Meetings Nine Commissioners present, then such Meeting shall stand adjourned to the next Day on which, and at the same Place at which a General Meeting ought to be held in pursuance of this Act, or in pursuance of any Appointment which shall have been made at a prior Meeting held as aforesaid; and all Acts, Orders, Rules, Resolutions, and Proceedings of the said Commissioners in the Execution of this Act which shall be had, made, or done at any Meeting or Meetings to be held in pursuance of this Act, at which Nine or more of the said Commissioners shall be present, and in which the Majority of such Nine or more Commissioners shall concur (and not otherwise), shall be as valid and effectual as if all the Commissioners for executing this Act had been present at such Meeting, and had concurred therein, (except such Acts, Orders, and Proceedings as are by this Act particularly authorized to be executed by any other Number of Commissioners, or in any other Manner); and at the First Meeting which shall be held 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 the Oath or Affirmation, in the Words or to the Effect herein-before mentioned, and such Chairman shall or may

immediately afterwards administer the like Oath or Affirmation to the other Commissioners then present; and at every other Meeting to be held in pursuance of this Act, a Chairman shall or may in like Manner be appointed; and the Chairman for the Time being, or any one of the Commissioners, shall and he is hereby authorized and required to administer at any General or Special Meeting (to such of the Commissioners as shall not have before taken the Oaths or Affirmations) the Oath or Affirmation hereby required to be taken by the said Commissioners; and in all Cases where there shall arise at any Meeting a Difference of Opinion upon any Question, the Question shall be decided by a Majority of Votes of the Commissioners then present, and if there shall be an equal Number of Votes (including the Chairman's Vote), then the Chairman shall have and give another or the casting Vote; and 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 Nine or more Commissioners present, shall be revoked, suspended, or altered, unless at some subsequent Special Meeting to be held for that Purpose (which any Five or more of the Commissioners, or their Clerk, at the Request in Writing of any Five or more of the said Commissioners, are and is 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 *Devizes Gazette*, or some other Newspaper usually circulated within the said Borough, and also affixed on the Market Cross in the said Borough), a Majority of the Commissioners who shall be present, not being less than Nine in the Whole, shall concur in the Revocation, Suspension, or Alteration thereof; and at every Meeting to be held under and by virtue of this Act, the Commissioners present shall defray their own Expences.

XIII. Provided nevertheless, and be it further enacted, That if it shall at any Time be thought necessary to hold a Meeting before the Time at which a Meeting is hereby required to be held, 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 Five or more of them, or for their Clerk, at the Request in Writing of any Five or more of the said Commissioners, and they or he are and is hereby required to call a Special Meeting, of which Seven Days previous Notice of the Time, Place, and Purpose of such Meeting 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.

Provision for calling Special Meetings of the Commissioners.

XIV. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required at some General, Annual or Quarterly Meeting to be held as herein-before mentioned, to elect and appoint a Treasurer and a Clerk, and also such Surveyor or Surveyors, 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 Scavengers, Rakers, Cleansers, Lighters of Lamps, and such other Officer or Officers, Deputies, Servants, or Assistants for the Execution of the several Purposes of this Act, as they shall from Time to Time think proper; and that the said Com-

For appointing Officers.

Commissioners to take Security from Officers for the due Execution of their Offices; who are to deliver proper Accounts, &c.

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

Officers not paying Balances to suffer Distress and Sale.

Commissioners shall from Time to Time at any General, Annual, or Quarterly Meeting, or at a Special Meeting to be held in manner and with such Notice as aforesaid, remove, suspend, or displace all or any of such Officers or other Persons 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 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 they are hereby required to take such sufficient 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 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 said Commissioners shall appoint; and in default of any of the several Matters as 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*, 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 of the Justices 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

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 Justices shall commit every such Offender to the Common Prison of the said Borough of *Devizes*, or to any Common Gaol or House of Correction in or for the said County of *Wilts*, 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 for want of sufficient Distress, shall remain or be kept in Prison for any longer Space of Time than Six Calendar Months.

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

XV. And be it further enacted, That the said Commissioners shall, and they are hereby required, at their General Annual Meeting (to be held in Manner aforesaid, or at any Adjournment thereof), to examine, audit, and settle the Accounts of the Treasurer and Clerk, and of the respective Surveyors, Assessors, Collectors, and Receivers, or other Officers appointed by them, and to require all such Officers respectively to produce their Accounts, Books, Papers, and Vouchers, and to examine into the Revenues and Debts of the Trust created by this Act, distinguishing Mortgages from Simple Contract Debts; and when such Accounts shall be audited, settled, and allowed by the Commissioners present at such Meeting, the same shall be signed by the Chairman of such Meeting; and if any such Officer shall refuse or neglect to produce his Accounts, or any Book, Paper, or Voucher required by the said Commissioners at such Meeting to be produced, such Officer shall be dealt with according to the Provision hereinbefore contained with regard to Officers refusing to account, or deliver up Books or Papers, or pay over Money in their Hands; and when, and as soon as the said Accounts of the said respective Officers shall be audited, allowed, and signed, the Clerk shall forthwith make out an Abstract or Statement of the Revenue and Expenditure received and incurred for the Year preceding, or such other Period as shall be included in the said Accounts, and also of the then existing Debts and Revenues of the Trust, distinguishing the Nature thereof

For auditing Accounts of Treasurers, Surveyors, and other Officers.

[Local.]

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respectively, in such Form as the said Commissioners shall direct; which said Abstract or Statement shall be submitted to the Commissioners assembled at such Meeting, and when approved by the Majority of them, shall be signed by the Chairman of such Meeting, and the said Abstract or Statement, so approved and signed, shall be delivered by the Clerk to the said Commissioners to the Clerk of the Peace of the said Borough of *Devizes*, at the next General Quarter Sessions of the Peace to be held for the said Borough next after such Account shall be so allowed and signed, to be by him registered and kept amongst the Records of the Quarter Sessions of the said Borough; and the said Abstract or Statement, when so registered, shall be open to the Inspection of all and every Person and Persons whatsoever paying any Rates or Assessments to be made by virtue of this Act, who may take Extracts therefrom or Copies thereof, paying to the said Clerk of the Peace the Sum of One Shilling for each Inspection, and the Sum of Sixpence for every One hundred Words of each Extract or Copy taken; and the said Commissioners shall also cause the said Abstract or Statement, or any other Statement or Account at or after each such General Annual Meeting, to be published in any Newspaper circulated within the said Borough, or to be printed and delivered to each Acting Commissioner.

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

XVI. 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 (unless with the Consent and Approbation of the said Commissioners), every such Person so offending shall be dismissed from every Office or Employment filled by him for any of the Purposes of this Act, and shall likewise forfeit and pay any Sum not exceeding Twenty Pounds nor less than Forty Shillings.

Clerk and Treasurer not to be the same Person.

XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer, or the Partner of any such Clerk, the Clerk to the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk, or the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any

any such Treasurer, or the Partner of any such Clerk, shall act as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place of Profit or Trust under the said Commissioners other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, together 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, or Wager of Law, nor more than One Imparance shall be allowed.

XVIII. And be it further enacted, That all Orders and Proceedings of the said Commissioners, together with the Names of the Commissioners present at every Meeting, shall be entered in a Book or Books to be provided and kept by the Clerk to the said Commissioners for the Time being for that Purpose, and be signed by the Chairman of the Meeting or Meetings at which such Orders or Proceedings shall be from Time to Time made or had, and that such Book or Books shall be open at all seasonable Times to the Inspection of any of the said Commissioners, without Fee or Reward; and such Orders and Proceedings, so entered and signed by the Chairman of such Meeting or Meetings as aforesaid, shall be deemed and taken to be original Orders and Proceedings; which said Book or Books, and also the Book or Books in which the Oath or Affirmation herein-before directed to be taken by the said Commissioners, shall be entered, and the Book or Books herein-after directed to be kept for the Purpose of registering Mortgages and Assignments, and all Entries in such Books respectively, shall and may be respectively admitted and read in Evidence in all Courts and before all Persons whatsoever, in all Actions, Suits, Indictments, and Prosecutions, and in all Cases of Appeal, or otherwise howsoever.

Books to be kept of Proceedings.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time, and at all Times hereafter, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money assessed, received, paid, laid out, and expended by virtue or in pursuance of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Books shall at all seasonable Times be open to the Inspection of the said Commissioners, and any Creditor or Creditors of the Rates hereby authorized to be made, and of all and every Persons and Person rated and assessed for the Purposes of this Act, or any Person or Persons paying such Rates, or otherwise affected thereby, without Fee or Reward; and the said Commissioners and Creditors, and any of them, shall and may take Copies of or Extracts from the said Book or Books, and any other Book or Books by this Act directed to be kept by such Clerk, or any Part or Parts thereof respectively, without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit the said Commissioners or such Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding Five Pounds,

Books to be kept of Accounts of Receipts and Disbursements, which shall be open to the Inspection of the Commissioners and Creditors.

Pounds, to be levied and recovered, apportioned and applied in manner herein-after provided.

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

XX. And be it further enacted, That the said Commissioners may sue and be sued in the Name of their Clerk for the Time being, or in the Name of any One of the said Commissioners; 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, or the said recited Act hereby repealed, or either of them, to the said Commissioners, or for or in respect of any other Matter or Thing relating to this Act or the said former Act, may be brought in the Name of such Clerk, or of any One of the said Commissioners; 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, or of any One of the said Commissioners, shall abate or be discontinued by the Death, Suspension, or Removal of such Clerk, or by the Death or Removal of such Commissioner, or by any Act or Default of such Clerk or Commissioner done or suffered, without the Consent or Direction of the said Commissioners; but the Clerk to the said Commissioners for the Time being, or the Commissioner in whose Name such Action or Suit shall have been commenced, shall be always deemed Plaintiff or Defendant in every such Action or Suit, as the Case may be.

Clerk or Commissioner to be reimbursed, &c.

XXI. Provided always, and be it further enacted, That every such Clerk or Commissioner, 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 or Commissioner shall be put to or become chargeable with, by reason of his being so made Plaintiff or Defendant therein, and such Clerk or Commissioner 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 defended, without the Order or Direction of the said Commissioners.

Pavements, &c. vested in the Commissioners.

XXII. And be it further enacted, That all the present and future Pavements, Flag Stones, and Kirb Stones, and Guard Posts or Kirb Posts, in the several Streets, Lanes, and other Passages and Places within the said Borough, by whomsoever set up or placed, and also 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, Gas Pipes, Watch Boxes, Watch Houses, and other Houses and Buildings heretofore erected or fixed up by the Commissioners for executing the said recited Act, or hereafter to be erected or fixed up by virtue of this Act, and all Materials and other Things purchased or provided for the Purposes of the said recited Act, or to be purchased or provided for the Purposes of this Act, shall belong to and be the Property of, and the same are hereby vested in the said Commissioners for executing this Act; and the said Commissioners

missioners 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, or shall fraudulently embezzle any Monies, Goods, or Effects, or falsely make, forge, or counterfeit, or utter as true any Bill, Receipt, or Security, knowing the same to be forged or counterfeited, with Intent to defraud the said Commissioners; 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 Borough of *Devizes*," or that any such Offence has been committed with Intent to defraud the said Commissioners, by the same general Description, 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 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.

XXIII. And be it further enacted, That 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 the said Commissioners, or any of the Works heretofore done or hereafter to be done in pursuance of this Act, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

Penalty on
damaging
Works:

XXIV. And be it further enacted, That it shall be lawful for the Commissioners for executing this Act, and they are hereby authorized and empowered, from Time to Time to cause the present and future Streets, Lanes, and other public Passages and Places within the said Borough of *Devizes*, or any Part or Parts thereof, as well the Carriage as Footways, to be paved, flagged, pitched, stoned, gravelled, or otherwise repaired and amended, and the same, and the Pavements, Flagging, Pitching, Stones, Gravel, and other Materials thereof to be taken up and relaid, and the Ground thereof to be reformed, 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 any of the said Streets, Lanes, Passages, and Places, any new Tunnels, Gutters, Sinks, Drains, Sewers, or Watercourses, for conveying the Water from the same respectively, and also to cause any of the present Gutters, Sinks, Drains, Sewers, and Watercourses 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

Power for the
Commissioners
to pave
the Streets,
&c.

[*Local.*]

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in such Streets, 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 Kirb Stones from Damage by Waggons, Carts, or other Carriages.

Not to affect the present Liability of the Mayor and Burgesses.

XXV. Provided always, and it is hereby enacted and declared, That nothing in this Act contained shall extend, or be construed, deemed, or taken to limit or interfere with the Right of Repair, or vary or alter the Liability to repair, or the Mode of repairing such Part of the Market Place or such Common Sewers, Sinks, or Drains in the said Borough as of Right have been, are, or ought respectively to be repaired by the Mayor and Burgesses of the said Borough.

Where Materials for paving may be lodged.

XXVI. And be it further enacted, That during the Time any Street, Lane, Passage, or Place shall be new paving, flagging, 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, Lane, Passage, or Place, according to their Discretion, as also to stop the Way through that or any adjacent Street, Lane, Passage, or Place so long as they shall judge necessary.

Pavement not to be altered by Individuals, without the Consent or Licence of the Commissioners, in Writing.

XXVII. 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 Carriageway, nor erect or set up any Post, Pales, Steps, Kirb Stone, or other Stone, before, behind, or at the Side of his or her House or Houses, Building or Buildings, Ground or Land, so as to project into or stand upon any of the Footways or Carriageways, without the Consent or Licence in Writing of the said Commissioners first had and obtained at one of their Meetings to be held in pursuance of this Act, such Licence being signed by the Chairman of such Meeting, and the Clerk to the said Commissioners, specifying in what Manner and Form, and of what Extent or Dimensions, and at what Time such Alterations shall be made, and what Materials shall be used in making the same, and that where such Alteration shall be made, with such Consent as aforesaid, the same shall from Time to Time be made or done at the Expence of the Person or Persons to whom such Licence 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 shall be specified in such Licence; and in case any such Person or Persons shall cause such Alterations to be made without such Consent as aforesaid, or shall not cause the same to be made in such Manner and within such Time as shall be expressed in such Licence, then and in such Case the said Commissioners may and they are hereby authorized to cause such Alteration or Work 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 shall be repaid to the said Commissioners by the Person or Persons to whom such Licence shall be granted, or the Owner of such Premises for the

Time being, and in case of Nonpayment thereof within Ten Days after Demand made by the said Commissioners, or their Clerk, or other Person by them authorized, then the same 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.

XXVIII. Provided also, and be it further enacted, That all new Streets, Lanes, Passages, or Places which shall hereafter be made in the said Borough shall be paved, stoned, gravelled, and completed; both in Carriage and Footway, by the Person or Persons laying out and appropriating the Land for such new Streets, Lanes, Passages, and Places, in such Manner and in such Proportions as shall be ordered and directed by the said Commissioners respectively, so as that such new Streets, Lanes, Passages, and Places shall be made, stoned, gravelled, and completed, both in Carriage and Footways, in like Manner as the other Parts of the said Borough, and shall hereafter become subject to the like Rules and Regulations, as to the future Care and Repairs thereof, as the other Parts of the said Borough.

Builders to be compellable by the Commissioners to pave and complete new Streets.

XXIX. Provided always, and be it further enacted, That in case the Person or Persons laying out and appropriating the Land for such new Streets, Lanes, Ways, or Passages shall not pave, stone, gravel, and complete the same in Manner aforesaid, within Two Calendar Months after Notice given so to do by the Clerk to the said Commissioners, it shall and may be lawful to and for the said Commissioners, by Writing under their Hands, to order any such Street, Lane, Way, or Passage to be paved, stoned, gravelled, and completed, and the Costs and Charges thereof shall be paid and disbursed to the said Commissioners or their Order, by the Person or Persons appropriating the Land for such new Street, Lane, Way, or Passage; and in default of Payment thereof on Demand, the same may be recovered in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered.

In case Owners do not pave, Commissioners may at the Owner's Expence.

XXX. And be it further enacted, That when any such new Street, Lane, Way, or Passage shall be laid out and made in the said Borough of *Devizes*, and shall be well and effectually paved, stoned, or put in good Order or Repair, to the Satisfaction of the said Commissioners, then, on Application of the Owner or Owners of the Soil, or a Majority of them in Value, according to the Poor's Rates in the said Borough, it shall be lawful for the said Commissioners, and they are hereby empowered from Time to Time, by any Writing under their Hands, to declare the same to be public Highways, and Passages, and Places; and from and after such Declaration made, such new Streets, Lanes, Ways, Passages, and Places as aforesaid shall be deemed and taken to be public Highways, Passages, and Places to all Intents and Purposes, and be repaired and kept in Repair by the said Commissioners as other Parts of the Streets, Lanes, Ways, and Passages within the said Borough are by this Act directed to be managed and governed.

New Streets when paved may be declared Public Highways, and Pavement thereof repaired as such.

XXXI. And be it further enacted, That the said Commissioners, at any of their Meetings, shall and may, and they are hereby authorized and

Names of Streets to be set up and

Houses num-
bered.

and empowered, if they shall think it necessary and proper, 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, Lanes, Ways, and Passages already erected or made, or hereafter to be erected or made within the said Borough of *Devizes*, the Name by which every Street, Lane, Passage, or Place is usually or shall be called or known; and also shall and may, whenever they shall think it expedient, but not before, 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 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 Forty Shillings, to be levied by Distress and Sale of his or her Goods and Chattels, in the same Manner as any Penalty imposed by this Act is hereby directed to be levied.

Commission-
ers may direct
the Streets to
be cleansed.

XXXII. 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, Lanes, Passages, and Places within the said Borough, 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.

XXXIII. And be it further enacted, That the Person or Persons employed by or contracting with the said Commissioners for cleansing the several Streets, Lanes, Passages, and Places within the said Borough, or the Person or Persons employed by or acting under the Direction of such Person or Persons so contracting with the said Commissioners, shall on such Days in every Week (being not fewer than Two Days in each Week), and between such Hours of those respective Days as the said Commissioners shall from Time to Time appoint, sweep and collect together all Dust, Dirt, Dung, Cinders, Ashes, Filth or Rubbish, in such Streets, Lanes, Passages, and Places, and shall also bring, or cause to be brought, a Cart or other proper Carriage into such Streets, Lanes, or other Passages or Places where such Cart or other Carriage can pass, and shall, at his or their Approach with 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, Lanes, 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

well as all such Dust, Dirt, Dung, Ashes, and other Filth, and Snow and Ice 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 by the Commissioners for depositing the same, upon Pain of forfeiting and paying any Sum not exceeding Five Pounds 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 and paying any Sum not exceeding Five Pounds for every Neglect therein.

XXXIV. 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, Vegetables, or Refuse of Vegetables, broken Glass, broken Earthenware, China, or Pottery, Rubbish, Ashes, or other Filth whatsoever, into or on the Side of any Street, Lane, or other Passage or Place within the said Borough (except as herein is excepted), every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, or if any Person or Persons whomsoever shall throw or cast any such Stones, Bricks, Dust, Dirt, Mould, Dung, Offal, Vegetables, or Refuse of Vegetables, 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 Borough, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

For preventing Persons throwing Dirt, &c. into the Streets, &c.

XXXV. 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 imposed, for or on account of any Stones, Bricks, or Rubbish being laid or placed in any such Street, Lane, 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, Lane, Passage or Place where such Stones, Bricks, or Rubbish 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, or Rubbish to be laid or placed, and so as the Course of any of the Gutters be not choked 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, or Rubbish 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 enclosed 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 or appoint, and so as such Stones, Bricks, or Rubbish be removed, at the Expence of the Person or Persons so laying or causing the same to be laid, within a

Penalty not to extend to Materials or Rubbish occasioned by building or repairing Houses (under certain Restrictions).

reasonable Time, to be expressed in a Notice to be in like Manner given by the said Commissioners.

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

XXXVI. 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 of making use of, or selling or otherwise disposing of the same, so as such Soil, Dirt, Dust, Dung, Ashes, Cinders, Manure, Muck, Filth, or Rubbish be not laid down or placed in any Street, Lane, Passage, or Place within the said Borough, but on Removal thereof be at once deposited in the Waggon, Cart, or other Carriage used for carrying away the same, and the same shall be removed at such Times, Days, and Hours only as the said Commissioners shall from Time to Time appoint; and that no Person or Persons so reserving such Soil, Dirt, Dust, Dung, Ashes, Cinders, Manure, Muck, Filth, or Rubbish shall permit or suffer the same to remain on his, her, or their respective Premises, to the Annoyance of any of the Inhabitants, or of the Persons resorting to the said Borough; and that every Person offending in any or either of the Matters aforesaid shall for every Offence forfeit and pay any Sum not exceeding Five Pounds.

Directions for sweeping Footways.

XXXVII. And be it further enacted, That the respective Occupiers of the Houses or other Buildings in the several Streets, Lanes, Passages, and Places within the said Borough, and the Owner and Owners and Proprietor and Proprietors of every dead Wall and vacant Piece of Land, or any One or more of them, the Chamberlains of the said Borough, or other Officer or Officers, Person or Persons, having the Care of the Town Hall, Markets, and other Buildings and Places belonging to the Mayor and Burgesses of the said Borough, the Churchwardens of every Church, the Proprietor and Proprietors, Trustee and Trustees, Treasurer and Minister of every Meeting House or other Place of Public Worship, or any One or more of them, and the Person and Persons who for the Time being shall be the ostensible Director or Directors, Manager or Managers, Keeper or Keepers of every Prison, School, and other Public Building respectively, situate or being within the several Streets, Lanes, Passages, and Places within the said Borough, shall, and they are hereby required to cause to be well and sufficiently swept and cleansed the Footways or Foot Pavements before, behind, and at the Sides of their respective Houses, Buildings, dead Walls, vacant Pieces of Ground, Town Hall, Markets, Churches, and Churchyards, Meeting Houses, Prisons, Schools, and other Public Buildings, Yards, Gardens, or other Hereditaments, and the Gutters, Channels, and Watercourses opposite the same respectively, to the full Extent of the said Footways and Foot Pavements (as the Situation thereof shall require) on the Mornings of every *Tuesday* and *Friday*, before the Hour of Ten, and on every *Saturday* between the Hours of Twelve at Noon and Five in the Afternoon, upon Pain of forfeiting and paying for every Neglect therein any Sum not exceeding Ten Shillings.

XXXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, as they shall think proper, to compound with any of the said respective Occupiers of Houses or Buildings within the said Borough, by the Year or otherwise, for such Sum or Sums of Money as such Commissioners shall think proper, for the sweeping and cleansing the Footways or Foot Pavements which ought to be done by such Inhabitants respectively by virtue of this Act, provided such Composition Money be always paid in advance.

Power to compound with Inhabitants for sweeping Footways, &c.

XXXIX. And be it further enacted, That if any Person or Persons, either by themselves or their Servants, Workmen, or others, shall, upon any of the present or future Pavements of the Streets, Ways, Lanes, Passages, and Places within the said Borough of *Devizes*, 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 roll any Cask or Tub, (other than for the necessary loading or unloading thereof), unto, upon, from, or out of any Carriage or Cart, or wilfully ride, lead, or drive any Horse or other Beast or Cattle of any Kind whatever, on any of the said Pavements or Footways; or wilfully permit or suffer any Horse or other Beast or Cattle which such Person may be riding, driving, or leading, to go thereon; or shall tie or fasten any Horse or other Beast or Cattle to any House, Wall, Post, Tree, or other Thing whatsoever, across any of the said Pavements or Footways; or if any Person or Persons shall, in any such Streets, Lanes, Passages, or Places as aforesaid, sell or expose to Sale any Horse, Ass, Pig, Sheep, Bull, Cow, or other Beast or Cattle, in any Part of the said Borough, (except in any public Market or Fair); or hoop, fire, cleanse, wash, or scald any Cask or Tub, or empty any of the Contents of such Cask therein, or set or place any Furniture, Goods, Wares, or Merchandize, or any Cask, Tub, Box, Pail, Bucket, Stool, Bench, or Stall, on or in the said Pavements or Footways; or erect, set up, or place any Blind, Shade, Coverlid, or Awning, or any other Matter or Thing, in the Front of or before any House, Shop, or other Building, so as in any way to cause any Obstruction or Impediment in the Pavements or Footways; or hew, saw, bore, or cut, or set out or leave any Stone, Wood, or Timber, or any Logs, Chips, or Shavings of Wood, or wet, slack, or mix any Lime or Mortar (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 bind, make, or repair, or wash or clean any Coach, Chaise, Waggon, Cart, Sledge, or other Carriage, or any Part of such Carriage, in any of such Streets, Ways, Lanes, Passages, or Places, (except such Carriages as may want immediate repairing from any sudden Accident on the Spot, and which cannot conveniently be removed for that Purpose); or shoe, bleed, or farry any Horse or Beast, (except in Cases of Accidents), or clean or dress any Horse or Beast, or skin or cut up any dead Horse or Beast therein, or

For preventing Annoyances in the Streets.

turn

turn loose any Horse, Ass, Sheep, Bull, Cow, Swine, Goat, or other Beast therein, or suffer the same to wander or be at large in any of such Streets, Lanes, Passages, or Places; or if the Driver of any Waggon, Cart, Sledge, Wheels, or other Carriages, or Part of a Carriage, shall in any Part of the said Borough 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 any Waggon, Cart, Sledge; or other Carriage on Wheels, (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 riding any Horse or Beast, or driving any Carriage of any Kind, shall ride or drive the same furiously, or so as to endanger the Life or Limb of any Passenger; or in case the Owner or Driver of any Waggon, Cart, Dray, or other Carriage, shall suffer the same to remain in the said Streets, Ways, Lanes, or Places, with or without Horses, longer than may be necessary for loading or unloading thereof, or shall suffer any Stage Coach, Diligence, Post Chaise, or other Carriage let to Hire, to remain longer than may be necessary for the taking up or setting down of any Passenger or Passengers, or for loading or unloading their Baggage; 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, Ways, Lanes, Passages, or Places, without any Wheels or Carriage, or with such Wheels or Carriage, to the Detriment thereof, or make any Bonfire, or let off or fire any Musket, Gun, or Pistol, or other Fire Arms (except in Self Defence), or any Crackers, Squibs, or other Fireworks, or slide upon any Pavement or Footway, or occasion any other Kind of Obstruction or Annoyance in or upon any such Streets, Ways, Lanes, Passages, or Places, or shall obstruct or incommode, hinder or prevent, the free Passage of any Footway or Foot Pavement, or shall prejudice or annoy in any Manner whatsoever any Inhabitants of the said Borough within their respective Dwelling Houses, or any Person or Persons travelling, passing, or going thereon within the said Borough; or if any Person shall sift, throw, cast, or lay any Ashes, Sand, or Sawdust, (except in the Time of Frost only, 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, Ways, Lanes, Passages, or Places within the said Borough; or if any Person or Persons shall sell or assist in selling by Auction or public Sale, any Goods, Wares, Merchandize, or Thing or Things whatsoever, except in any Fair or Market, or hang up, place, or expose to Sale, or cause or permit to be hung up, placed, or exposed to Sale, any Goods, Wares, or Merchandize whatsoever, or any Fruit, Vegetables, or Garden Stuff, Butchers Meat, or other Matter or Thing, in or upon, or so as to project over or upon the Foot or Carriage-way of such Streets, Ways, Lanes, Passages, and Places, or beyond the Line of or on the Outside of the Window or Windows of the House, Shop, or Place at which the same shall be so hung up or placed.

placed or exposed to Sale, or 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 singe, scald, dress, or cut up any Animal, either wholly or in part, in any of such Streets, Ways, Lanes, Passages, or Places, or cause or permit any Blood to run from any Slaughter House, or Butcher's Shop or Shambles, or fix up any Flower Pot 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 leave open (after Sun-set) the Door or Window of any Cellar or other Under-ground Room or Apartment, or of any Area, in any of the said Streets, Ways, Lanes, Passages, or Places, without having placed or left a sufficient Light to warn and prevent Persons from falling into such Cellars or other Under-ground Rooms or Apartments, or Areas, or bait or cause to be baited any Bull or other Animal, or throw at any Cock or Fowl in the Manner called Cock Squailing, or set up any Cock or Fowl to be thrown at in such Manner, or drive any Hoop, or play at Football or any other Game or Games to the Annoyance of any of the Inhabitants of the said Borough or any Passenger or Passengers; or if any Person or Persons shall wilfully break, aid, or abet, or assist in wilfully breaking any Glass or Window Panes or Windows in or belonging to any Dwelling House or Building; or if any Person or Persons shall commit any other Kind of Obstruction, Nuisance, or Annoyance in any Part of any such Ways, Lanes, Passages, or Places; each and every Person so offending in any of such Cases shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XL. And be it further enacted, That if any Horse, Ass, Bull, Sheep, Cow, Swine, Goat, or other Beast shall at any Time be found wandering about any of the Streets, Ways, Lanes, Passages, or Places within the said Borough, it shall be lawful for any Officer or Officers to be appointed by the said Commissioners, or for any of the Inhabitants residing in the same Borough, to seize and impound such Horse, Ass, Bull, Sheep, Cow, Swine, Goat, or other Beast, in such Place as the said Commissioners shall appoint, and the same there to detain, until the Owner or Owners thereof shall for each Beast, or any other Animal so impounded, pay a Sum of Money not exceeding Ten 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 and Sixpence 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 Person who 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 Sale, if known, or if not known, then such intended Sale shall be advertized in *The Devizes and Wiltshire Gazette*, or in some other Newspaper usually circulated in the said Borough; and the Money arising from such Sale, after deducting the said Sums, and the Charges and Expences aforesaid, and such other Charges and Ex-

Beasts wandering in the Streets may be impounded.

[Local.]

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pences

pences as may attend the Keeping and Sale of any such Beast so impounded, shall be paid to the said Treasurer, to be by him paid, on Demand, to the Person or Persons whose Property the Beast so sold shall appear to have been.

Punishing
Persons
guilty of
Pound-
breach.

XLII. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live Stock or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release or shall attempt to rescue or release any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice by Warrant under his Hand and Seal to the Common Gaol or House of Correction of the said Borough, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Cellar Win-
dows and
Grates to be
secured.

XLII. And be it further enacted, That if any Cellar Door, Trap Door, Hatchway, or Flap Window leading into, or giving Light or Air to, or placed over, any Cellar, Vault, or Office under Ground within the said Borough, shall at any Time be left open in the Evening or in the Night, or shall not be effectually and substantially secured so as to prevent Accidents, or if any Grate or other Covering placed over any Opening in the Pavement, and used for putting Coals or other Articles into any Cellar or other Place under Ground, or for any other Purpose, shall at any Hour of the Day or Night be left open, or shall not be well and effectually fastened down and secured so as to prevent Accidents, then and in each and every of the said Cases the Occupier or Occupiers of such Cellar, Vault, Office, or other Place under Ground as aforesaid, shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Doors and
Gates to open
inwards.

XLIII. And be it further enacted, That the several Occupiers of Houses, Buildings, Yards, Gardens, and Lands within the said Borough, and every of them, are hereby respectively authorized and required, at their own Costs and Charges, from Time to Time within Fourteen Days next after their respectively receiving Notice in Writing from the said Commissioners in that Behalf, signed by any Clerk or Surveyor of the said Commissioners, to cause all the Doors and Gates leading into the several Houses, Buildings, Yards, Gardens, and Lands, in their respective Occupations, (and not being Cellar Doors or Trap Doors) which now do or shall hereafter open outwards, and when open shall project over any of the Streets, Lanes,
Passages,

Passages, or other public Places within the said Borough, and shall not when open fold back, and be fastened back, close to the Line of the adjoining Buildings, to be altered, so as that the same Doors or Gates shall thenceforward open inwards, or so as to be fastened back close against the adjoining Buildings, and into their said respective Premises; and if any such Occupier of any of the aforesaid Premises shall neglect or refuse to make the Alteration required by the said Commissioners, in any such Door or Gate within the Period specified by such Notice, such Occupier making Default therein shall forfeit and pay the Sum of Five Shillings a Day for every Day during which any such Door or Gate shall be suffered to remain opening outwards after the Expiration of the Term specified in such Notice: Provided nevertheless, that where the Occupier of any such House, Building, Yard, Garden, or Land, shall cause any such Door or Gate to be duly altered, in pursuance of such Notice as aforesaid, it shall be lawful for him or her, if a Tenant at Rack Rent, to deduct and retain out of his or her Rent the reasonable Charges of altering the same; and the Proprietor or Landlord of the Premises is in every such Case hereby required to allow the same accordingly: And provided also, that it shall be lawful for the said Commissioners to allow to such Occupier, or such Proprietor, all or any Part of the Expence of making any such Alteration, if the said Commissioners shall consider it reasonable so to do.

XLIV. And for the greater Safety of the Inhabitants of the said Borough from Danger by Fire, be it further enacted, That no Person or Persons shall at any Time hereafter cover any House or other Building within the said Borough, either wholly or in part, with any Straw or Thatch, nor shall renew or repair the Covering of any such House or other Building, either wholly or in part, with any Straw or Thatch, (save and except Barns and other Farm Yard Buildings, and during and until such Time as the same, or any of them, shall be burnt down, in which Event this Exception shall thenceforth cease), under pain of forfeiting and paying for every such Offence any Sum not exceeding Twenty Pounds; and it shall also be lawful for the said Commissioners to order and cause any Straw or Thatch, which shall be placed on any House or Building (other than as aforesaid) within the said Borough, contrary to the Provision aforesaid, to be taken down and removed, at such Time and in such Manner as to them shall seem meet, and the same shall and may accordingly be taken down and removed by any Person or Persons authorized or employed by the said Commissioners or their Surveyor for such Purpose, without any previous Notice given to the Owner or Occupier of such House or other Building, and without such Person or Persons so authorized or employed being deemed a Trespasser or Trespassers, or being liable to any Action, Indictment, or other Proceeding at Law, for or by reason of taking down or removing the same: Provided always, that nothing herein contained shall extend or be construed to extend to any Houses or other Buildings erected or to be erected in the old disparked Park of *Devizes*; unless and until any such Houses or Buildings shall be erected adjoining each other, so as to form a Street, Square, Passage, or other public Place.

To prevent covering Houses with Thatch.

XLV. And

For Removal
of Nuisances.

XLV. And be it further enacted, That if any Slaughter House, Swine Stye, Necessary House, Dunghill, or Sewer, or any Dung, Carrion, Offal, Blood, Soil, Filth, or Rubbish, or any other noisome Matter whatsoever, in or near any of the Streets, Lanes, Passages, or other Places within the said Borough, shall be considered by any of the Inhabitants of the said Borough as a Nuisance or Annoyance, it shall be lawful for the said Commissioners, from Time to Time, upon Complaint thereof being made to them by any such Inhabitant or Inhabitants, to enquire into the Matter complained of; and if they shall deem the same to be a Nuisance or Annoyance, then they are hereby empowered and required, by Notice in Writing under the Hands of any Nine or more of them, to order such Nuisance or Annoyance to be removed by the Person or Persons causing or occasioning the same, within such Time as shall be specified in such Notice; and in case the same shall not be removed according to such Notice, the Person or Persons who shall be so ordered to remove the same, and shall neglect so to do, shall forfeit and pay the Sum of Twenty Shillings a Day for every Day the same shall continue unre- moved after the Expiration of the Time specified in such Notice: Provided always, that where any Person or Persons thinking himself, herself, or themselves aggrieved by such Order as aforesaid, shall give Notice to the said Commissioners or their Clerk of his, her, or their Intention to appeal against the said Order, and shall enter into a Recognizance within the Time and in the Manner herein-after mentioned and provided for in respect of Appeals against any Matter or Thing to be done in pursuance of this Act, such Person or Persons shall not be subject or liable to pay any such Penalty or Forfeiture until the Expiration of Fourteen Days next after the Hearing and Determination of such Appeal, and the Confirmation thereupon of the said original Order of the said Commissioners.

For prevent-
ing Injury to
public Build-
ings, &c.

XLVI. And be it further enacted, That if any Person or Persons shall injure, damage, or deface, or commit any Nuisance against or adjoining any Wall, Pillar, Door, Window, or other external Part of the Town Hall, Market Cross, or any Church, Chapel, public School, or other public Building whatever within the said Borough, or any Tomb, Monumental Stone, or Inscription in any Churchyard or Burial Ground, or shall fix up any Bills or Papers (other than such Notices as may be directed by Parliament or other competent Authority) against any of the aforesaid Edifices, or any of the Walls or Doors thereof, or shall write with Chalk or any other Matter thereupon, or shall play at Ball or Fives, or any other Game upon or against the same, or shall deposit any Filth, or commit any Nuisance upon, in, about, or against any of the aforesaid Edifices, or the Walls, Doors, or Steps thereof, or in or about any such Church- yard or Burial Ground as aforesaid, then and in any of the said Cases every Person so offending shall forfeit and pay, for every such Offence, any Sum not exceeding Five Pounds or less than Five Shillings.

The Time of
emptying
Privies
directed.

XLVII. And be it further enacted, That no Person shall empty or cause to be emptied any Privy or Necessary House, or carry any Soil therefrom along any Street, Lane, or other Passage or Place within

within the said Borough, before the Hour of Twelve of the Clock at Night, or after Four of the Clock in the Morning, in any Part of the Year, or put or cast, drop or scatter any such Soil in, upon, or near the said Streets, Lanes, or other Passages or Places, or in any respect improperly, carelessly, or negligently remove the same, or cause the same to be so removed; and every Person or Persons offending herein shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds; and in case the Person or Persons who shall be actually employed in removing such Soil cannot be discovered, then the Occupier of the House or Premises from which such Soil shall have been taken shall, for every such Offence, forfeit and pay the like Penalty of Five Pounds.

XLVIII. And be it further enacted, That no Person or Persons shall make or branch, or alter, turn, or vary any Drain or Drains, Gutter or Gutters, into any of the public Sewers, Drains, Gutters, or Vaults made by virtue of the said recited Act, or to be made by virtue of this Act, so as to obstruct, choke up, or incommode the same, or any of the Footways within the said Borough, upon pain that every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Pounds; and if any private Drain or Drains, Gutter or Gutters already made, or hereafter to be made, shall in the Judgment of the said Commissioners be so constructed as to obstruct, choke up, or incommode any such public Sewers, Drains, Gutters, or Vaults, or any Footway within the said Borough, it shall be lawful for the said Commissioners, by Notice in Writing, signed by their Clerk, to order the same to be removed, stopt up, turned, or altered, as they may think necessary; and in case the same shall not be so removed within Fourteen Days after such Notice shall be given to the Occupier of the Premises where the same shall be situate, 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; and the said Commissioners may also, and they are hereby empowered to cause such Alteration to be made, and the Expence thereof to be recovered, in like Manner as any Penalty under this Act may be recovered, from the Person who ought to have made and shall neglect to make the same.

No Person to make Drains to obstruct public Sewers or Footways.

XLIX. And be it further enacted, That all private Drains which now are or shall hereafter be made within any of the Streets, Lanes, and Places of the said Borough, and which do or shall issue into any of the public Sewers, Drains, or Vaults, shall be repaired and cleansed, 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.

Private Drains to be cleansed.

L. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time to direct and cause the Course of any Gutter or Channel running in or through the said Streets, Lanes, Passages, or Places, or any of them, within the said

Course of Gutters to be turned when necessary.

[Local.]

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Borough,

Borough, to be turned or altered in such Manner as they shall think proper, and to direct the Grates already placed or hereafter to be placed over any Sewer, to be removed and replaced in such Manner, and at such Place and Places as they shall think most proper; all which shall from Time to Time be done at the Expence of the said Commissioners, and paid for out of the Money arising by virtue of this Act: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to authorize the Alteration of any Sewer hitherto usually repaired, and which of right ought to be repaired by the Mayor and Burgesses of the said Borough, or the Grate or Grates over the same, without the Consent of the said Mayor and Burgesses, or extend or be construed to extend to any Right, Custom, Usage, or Liability affecting the said Mayor and Burgesses in respect of any such Sewers.

Obstructions
in Streets by
Penthouses,
Signs, and
other Things
projecting
into the
Street, &c.
to be re-
moved.

LI. And be it further enacted, That from and after the passing of this Act the several and respective Occupiers of the Houses and other Buildings situate in the several Streets, Lanes, Passages, and Places in the said Borough of *Devizes*, and every of them, are hereby authorized and required, at their own respective Costs and Charges, to cause the Water from the Tops or Roofs, Cornices, and Penthouses of their respective Houses and other Buildings, already made or built, or hereafter to be made or built, within the said Borough, (if not conveyed into private Cisterns or Reservoirs belonging to such Houses or Buildings), to be conveyed by Pipes, to be fixed in such Manner as shall be directed by the said Commissioners to and down the Fronts or Sides thereof respectively, into the Common Channels or Drains, or as the said Commissioners shall direct, within Fourteen Days after a Day to be expressed in a Notice in Writing, under the Hands of any Nine 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 Occupiers of such Houses or Buildings, and also at their own respective Costs and Charges to take down, remove, or alter all Penthouses, Bow Windows, Shutters, Signs, Sign Posts, or other Posts, Show Boards, Spouts, Pales, Rails, Grates, Steps, Scrapers, Projections, or other Matters or Things whatsoever, which in the Judgment of the said Commissioners shall now or at any Time or Times hereafter be inconvenient to or incommode Passengers upon any of the present or future Footways or Carriageways of the several Streets, Ways, Lanes, Passages, or Places within the said Borough as aforesaid, within Fourteen Days after a Day expressed in a like Notice to be for that Purpose given to or left for such Occupiers as aforesaid, or to cause the same respectively to be taken down, removed, or altered, under the Inspection and Direction of the Surveyor or other proper Officer of the said Commissioners; and in case the respective 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 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

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 Occupier or Occupiers, or Owner or Owners 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 afterwards cause such Matters and Things to be placed, erected, built, or made contrary to the Directions of this Act, every such Owner, for every Week he shall so offend, shall forfeit and pay any Sum not exceeding Forty 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 herein-before directed: Provided always, that in case any Occupier or Occupiers of any such Houses or other Buildings, being required to make such Alterations, Matters, and Things as aforesaid, and having either paid the Costs and Charges attending the same in the first Instance, or having repaid the same to the said Commissioners, then and in such Case 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: Provided also, 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.

LII. And be it further enacted, That if any Complaint shall be made in Writing to the said Commissioners, by any Two or more Householdors within the said Borough, that any House, Building, Wall, or Erection, or the Bricks, Tiles, Stones, Timber, or Materials of any House, Building, Wall, or Erection, in the said Borough, is, are, or shall be ruinous, or in such Condition as to be dangerous to the Lives or Persons of Passengers, it shall be lawful for the said Commissioners, and they are hereby required and empowered to order and direct, with all convenient Speed, a proper and sufficient Board or Fence to be put to guard any such House, Building, Wall, or Erection from the Street or Way, and to cause Four Days Notice in Writing, signed by their Clerk, to be given to the Owner or Owners, or Persons interested in, or claiming to be interested in the same; or if under Cover, to her or their Husband or Husbands respectively; or if under the Disability of Infancy, Idiotcy, or Lunacy, to the Guardian or Guardians,

Upon Complaint of any Two or more Persons of Houses, &c. being in a ruinous Condition, Commissioners to order them to be taken down, &c.

Guardians, Trustee or Trustees, Committee or Committees, of such Infant, Idiot, or Lunatic respectively, if he, she, or they can or may be found within the said Borough; and if not, to cause such Notice in Writing to be left at or affixed against the said Premises Four Days at least before the Time of Meeting; which Notice shall be in the Form or to the Effect following:

‘ COMPLAINT having been duly made in Writing to the Com-
 ‘ missioners for paving, lighting, and watching the Borough of
 ‘ *Devizes*, by _____ that the House,
 ‘ Building, Wall, or Erection [*as the Case shall be*], situate
 ‘ _____, is or are in so ruinous a Condition [*or, that*
 ‘ the Bricks, Tiles, Stones, Timber, or other Materials, *as the Case*
 ‘ *may be*, of the House, Building, Wall, or Erection situate
 ‘ _____, are in such a Condition] as to be dangerous to
 ‘ the Lives or Persons of Passengers; take Notice, that the said
 ‘ Commissioners intend to have the same House, Building, Wall, or
 ‘ Erection [*as the Case may be*] surveyed; and that they have ap-
 ‘ pointed _____ of _____ their Surveyor for
 ‘ that Purpose, to attend or meet at _____ [*being at some*
 ‘ *Place within the said Borough*] on their behalf, on the _____ Day of
 ‘ _____ next, at _____ of the Clock in the _____ of the
 ‘ same Day [*between the Hours of _____ of the Clock in the Morn-*
 ‘ *ing, and _____ of the Clock in the Afternoon*]; and they do
 ‘ hereby require and call upon you to appoint one other Surveyor or
 ‘ able Workman on your Part, to meet him at the Time and Place
 ‘ aforesaid, to view the said _____, and to
 ‘ certify the State and Condition thereof to them, and whether the
 ‘ same, or any Part thereof, ought to be secured, or pulled down and
 ‘ removed. Dated this _____ Day of _____.

And the said Commissioners shall appoint a Surveyor or able Workman to view such House, Wall, Building, or Erection, to attend at the Time and Place mentioned in such Notice; and every such Owner, or Person interested, or claiming to be interested as aforesaid, or such Husband, Guardian, Committee, or Trustee as aforesaid, (as the Case may be), shall also appoint one Surveyor or able Workman to attend or meet at the Time and Place in such Notice mentioned; and such Two Surveyors or able Workmen shall view such House, Building, Wall, or Erection, and certify, in Writing under their Hands, the State and Condition thereof to the said Commissioners, and to the Owner or other Person or Persons as aforesaid, within Seven Days after the Time appointed in such Notice, and whether the same or any Part thereof ought, according to their Judgment, to be secured or pulled down and removed; but in case such Persons cannot agree in their Opinion, then they shall choose a Third Surveyor or able Workman to meet them and view such House, Building, Wall, or Erection, within Seven Days next after the Time appointed in the said Notice, and which said Three Persons, or any Two of them, are to certify in Manner aforesaid the State or Condition thereof to the said Commissioners, and to the Owner or Person or Persons as aforesaid, within Seven Days next after the Time appointed in the said Notice, and whether the same or any Part

thereof ought in their Judgment to be secured, or pulled down and removed; and in case such Owner or other Person as aforesaid shall refuse or neglect to appoint such Surveyor or able Workman as aforesaid according to such Notice, or in case the Surveyor or able Workman appointed by him or her shall neglect to attend at the Time and Place mentioned in such Notice, then the Surveyor or able Workman named in such Notice shall and may, within Seven Days next after the Time appointed in such Notice, alone view such House, Building, Wall, or Erection, and certify, as before directed, unto the said Commissioners, within Seven Days next after the Time appointed in such Notice, the State and Condition thereof, and whether the same or any Part thereof ought to be secured, or pulled down and removed; and in case any such Owner or other Person or Persons as aforesaid shall neglect or refuse to secure, or pull down and remove such House, Building, Wall, and Erection as aforesaid, within Three Days after a Copy of such Certificate as aforesaid shall have been delivered to or left at the last Place of Abode of such Owner or other Person or Persons as aforesaid, or affixed against or left on the Premises, the said Commissioners or any Five or more of them are hereby authorized and required, with all convenient Speed, to order and cause all or so much of such House, Building, Wall, or Erection as shall be certified to be in such ruinous Condition, and likely to be dangerous to Persons passing and repassing, to be secured, or pulled down and removed, in such Manner as shall from Time to Time be thought requisite and necessary; and all the Charges of putting up every such Board or Fence, and taking down, securing, and removing all or so much of such ruinous House, Building, Wall, or Erection, as shall be certified as necessary to be taken down, removed, or made secure for the Safety of Passengers, and also all reasonable Costs and Charges which shall or may be paid by the said Commissioners to the Person or Persons to be appointed by them, or otherwise howsoever, for the Purposes aforesaid, shall from Time to Time be paid by the Owner or Owners or such Person or Persons as aforesaid, if known, and he, she, or they can be met with within the said Borough; and if such Owner or Owners, not being under such Disability as aforesaid, shall within Seven Days after Demand thereof neglect or refuse to pay the same, then all such Costs and Charges may, on Proof by Oath before One or more Justice or Justices of the Peace of the said Borough (which he or they is and are hereby authorized and empowered to administer), immediately thereupon, by Warrant under the Hand or Hands of such Justice or Justices (which he and they is and are hereby directed to grant), be levied by Distress and Sale of the Goods and Chattels of such Owner or Owners, if any such can be found in the said Borough; and if no such Owner or Owners can be met with in the said Borough, or sufficient Distress of his, her, or their Goods and Chattels cannot be found whereupon such Costs and Charges may be levied, or if such Owner or Owners shall be under any legal Disability as aforesaid, then and in either of such Cases the Person or Persons who shall at any Time thereafter occupy or possess any such House, Building, Wall, or Erection, or the Ground whereon the same stood, is and are hereby required and authorized to pay the same Costs and Charges; and in case he, she, or they pay Rent for the same, then to deduct for the

[Local.]

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same

same, out of such Rent; and if he, she, or they shall neglect or refuse to pay such Costs and Charges, then the same, on Proof by Oath thereof before One or more Justice or Justices of the said Borough (which Oath he or they is or are hereby authorized to administer), immediately thereupon, by Warrant under the Hand or Hands of any such Justice or Justices as aforesaid, may be levied by Distress and Sale of the Goods and Chattels of any such Occupier or Occupiers, or Person or Persons possessing the same, in Manner as the Penalties or Forfeitures are by this Act directed to be levied and recovered, together with the Costs of every such Distress and Sale, and the Landlord or Landlords of the Premises is and are hereby required to allow every such Occupier or Occupiers all Charges which he, she, or they shall so pay, or which shall be levied by Distress from him, her, or them as aforesaid; upon Receipt of their respective Rents; and every Occupier or Person paying any such Charges shall be acquitted and discharged for so much Money as he, she, or they shall so pay, as if the same had been actually paid to such Person or Persons to whom his, her, or their Rent should have been due or payable; or such Charges may, if the Commissioners shall think proper, be recovered from such Owner or Owners, or in case such Owner or Owners shall be under any legal Disability, then from such Occupier or Occupiers, or Person or Persons possessing the same, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*; and such Money as shall from Time to Time be raised, levied, or recovered shall be paid to the said Commissioners, to be reimbursed therewith the Costs and Charges to be incurred as aforesaid.

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

LIII. 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 may think proper or necessary, in order to keep the Footways and Carriageways 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 Carriageway or Footway before, behind, on the Sides of, or belonging to such House, Wall, or Building 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

missioners shall order and direct, and no Lime shall be sifted, skreened, or slaked, or Lime or Sand deposited in any of the said Streets, Lanes, and Passages, unless the same shall be inclosed in some such 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 slake any Lime or deposit any Sand, or make or deposit any Mortar, other than as aforesaid, or cause or permit the same respectively, or shall neglect or refuse to fill up all Holes made by the Erection of any Scaffolding, Fence, or Inclosure, 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 Twenty 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 and 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, or otherwise offending 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 neg-
lecting or re-
fusing to
fence.

LIV. And be it further enacted, That it shall be lawful for the said Commissioners, in case they shall at any Time think it expedient, but not otherwise, to employ or contract with any fit Person or Persons from Time to Time, to keep the different Fire Engines belonging to the said Borough of *Devizes*, and the Ladders, Pipes, Buckets, or other Things belonging thereto, in good working Repair and Order, and also to use and work the same at such Times as the said Commissioners shall think fit; and it shall also be lawful for the said Commissioners from Time to Time to purchase any new Engine or Engines, Ladders, Pipes, Buckets, or other Things belonging thereto, which they shall consider necessary for the Use of the said Borough, 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.

Respecting
Fire Engines.

LV. And be it further enacted, That if at any Time hereafter any Stones, Timber, Rubbish, Materials, or other Things shall be laid or placed in or upon, or any Hole or Opening shall be made in, any of the Streets, Lanes, or Passages or Places within the said Borough, for any Purpose whatsoever, not prohibited by or contrary to the 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 Accidents, every Night from Sun-set

Lights to be
fixed against
Heaps of
Timber, &c.
in the Night
to prevent
Accident.

Sun-set to Sun-rise, 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 thereof shall forfeit and pay any Sum not exceeding Ten 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 enclose such Stones, Materials, and Things, and continue the same so fenced and enclosed, and charge such Owners, 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.

Provision for
lighting the
Streets, &c.

LVI. 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, Posts, 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 Borough, 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, either with Gas, Oil, or otherwise, at such Times and Seasons in the Year, and on such Evenings, and at 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, Lanes, Passages, and Places within the said Borough; and that it shall be lawful for the said Commissioners, from Time to Time, to contract with any Gas Light Company now or hereafter to be established within the said Borough, or in the Neighbourhood thereof, or with any other Person or Persons, Body or Bodies Politic or Corporate whatsoever, for lighting the said Borough with Gas, Oil, or otherwise, or for providing Lamps, Lamp Irons, and Lamp Posts, for any Number of Years or other Time, and upon such Terms and Conditions in all respects as the said Commissioners shall from Time to Time think proper; or otherwise of their own proper Authority to light the said Borough with Gas, and to purchase Ground, not exceeding Two Acres, and erect the necessary Buildings, Apparatus, and Machinery, and also by themselves, or by any other Person or Persons, Company or Companies, Body or Bodies with whom they shall contract as aforesaid, and by and with their Authority, to lay and place Mains or Main Pipes, and other Pipes in the said Streets, Lanes, Passages, and Places, as well as elsewhere within the said Borough, for the Purpose of well and sufficiently lighting the said Borough, and the
several

several Streets, Lanes, Passages, and Places therein, and generally to effect all other Matters or Things necessary thereto, or for the Purposes thereof: Provided nevertheless, that nothing herein contained shall authorize or empower the said Commissioners, or any other Person or Persons, to carry, lay, or affix any Pipe or Pipes through or against any Dwelling House or Houses, Manufactories, public or private Buildings, Yards, or Grounds, for the Purpose of lighting the said Streets, Lanes, Highways, Passages, and other Place or Places with Gas, or to continue the same, without the Consent of the Occupier of every such Dwelling House or Houses, Manufactory, public or private Building, Yards, or Grounds, through or against which any Pipe or Pipes shall be carried or laid for the Purposes aforesaid.

LVII. And be it further enacted, That in case the said Commissioners shall, at any Time or Times after the passing of this Act light the said Streets and other public Places, or any of them, within the said Borough, with Gas, it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered to contract with any Inhabitant or Inhabitants of the said Borough, or the Vicinity thereof, or the Occupier or Occupiers of any Building or Tenement, Buildings or Tenements therein, or in the Vicinity thereof, or with any Company or Corporation, for supplying him, her, or them with Light for private Purposes, by means of Gas from any Establishment of the said Commissioners, the Rates or Compensation Monies for such private Supply being from Time to Time fixed, or altered and regulated by them the said Commissioners, at some General Meeting, and such Rates or Compensation Monies shall be applied for the Purposes of this Act, and when in arrear shall and may be recovered by the same Means as the Rates herein-after directed to be made for the Purposes of this Act are authorized to be recovered.

Commissioners may contract with private Persons for Gas Lights.

LVIII. And be it further enacted, That in case any Person or Persons who shall contract with the said Commissioners, or otherwise shall agree to take, use, or enjoy the Benefit of the said Gas in their private Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, shall refuse or neglect for the Space of Twenty-one Days after Demand to pay the Sum or Sums then due for the same to the said Commissioners according to the Terms and Stipulations of his, her, or their Contract or Agreement with the said Commissioners, it shall and may be lawful for the said Commissioners or their Clerk or Clerks for the Time being, or any Person or Persons duly authorized by the said Commissioners, by Warrant under the Hand and Seal of any Justice of the Peace for the said Borough, to cause the said Sum or Sums of Money to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) to such Person or Persons after the said Sum or Sums of Money, together with the Charges incidental to such Distress and Sale, shall have been deducted.

Power for Commissioners to recover Rents for Gas Lights.

LIX. And be it further enacted, That if the said Commissioners, or Body or Bodies Politic or Corporate, or any Person or Persons making,
[Local.] 51 N. furnishing,

Penalty for conveying Washings

into Rivers,
Streams, &c.

furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other Waste Liquids, Substances, or Things whatsoever, which may arise or be produced in the Prosecution of the Works of the said Commissioners, or of any such Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, or in the Manufacture or Process of making or procuring such Gas, into any River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, Spring Head or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Waterway, Feeder, Pond, or Spring Head, Well, Drain, Sewer, or Ditch, then and in every such Case the said Commissioners, Body or Bodies Politic or Corporate, or such Person or Persons as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together 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, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, Wager of Law, nor more than One Impar lance shall be allowed, and the Whole thereof shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable, unless the same be sued for within Twelve Calendar Months from the Time in which such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been sued for or recovered or not, and in case any of the said Washings, or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond, or Spring Head or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to the said Commissioners, or Body or Bodies Politic or Corporate, or to such Person or Persons as aforesaid, and the said Commissioners, or the Person or Persons, Body or Bodies Politic or Corporate, or such Person or Persons as aforesaid, shall not, within Twenty-four Hours after such Notice shall have been given, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things from being emptied, drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, Body or Bodies Politic or Corporate, or such Person or Persons as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each and every Daysuch Washings, waste

waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act or Thing shall be so done or caused to be done as aforesaid; and such last mentioned Penalty shall and may be recovered and levied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who in the Judgment of the Justice or Justices before whom the Conviction shall take place shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

LX. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Commissioners, or Body or Bodies Politic or Corporate, or any Person or Persons making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, shall at their own Expence, immediately after Notice thereof by Parole or in Writing from any Person or Persons whomsoever, given to the said Commissioners, or to the Clerk or other Officer or Agent of the said Commissioners, or any such Body or Bodies Politic or Corporate, or Person or Persons, stop and prevent such Gas from escaping; and in case the said Commissioners, or Body or Bodies Politic or Corporate, or Person or Persons, shall not, within Twenty-four Hours next after such Notice by Parole or in Writing being given of any such Escape of Gas, as far as possible stop and prevent the Gas from escaping, and thereby remove the Cause of Complaint, that then and in every such Case the said Commissioners, or Body or Bodies Politic or Corporate, or Person or Persons, shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid, which Penalty shall from Time to Time be recoverable, in a summary Way, on the Oath of One or more credible Witness or Witnesses, by Information to be laid and exhibited before One or more Justice or Justices of the Peace for the County of *Wilts*, and shall and may be recovered and levied, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Commissioners, or such Body or Bodies Politic or Corporate, or Person or Persons, by the Warrant of any Justice or Justices of the Peace as aforesaid, in manner herein-after directed.

Penalty for
allowing
Escape of
Gas.

LXI. Provided always, 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 Commissioners, or any Body or Bodies Politic or Corporate, or any of his or their Servants, Workmen, or Officers, or Person or Persons, making, furnishing, or supplying any Gas used, burnt, or consumed within the Limits of this Act, for lighting any Street, Highway, or Place, or any House, Manufactory, or other Building therein, in respect of any Works, or the Means which shall be employed by them in making the said Gas and using the same, or furnishing

Commis-
sioners or
Persons con-
tracting to
light with
Gas liable to
be indicted.

nishing such Light as aforesaid, as a public or private Nuisance; or from bringing any Action or Actions against the said Commissioners, or Body or Bodies Politic or Corporate, or any of their Servants, Workmen, or Officers, or Person or Persons, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Preparation or the Use of the same Gas, or the Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Trustees, &c.
to prevent
Escape of
Gas and Con-
tamination of
Water.

LXII. And be it further enacted, That whenever the Water of any Company of Proprietors, or other the Owners or Proprietors of any Waterworks within the said Borough, shall be contaminated or affected by the Gas of the said Commissioners, or of the Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons as aforesaid, the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, to be sued for and recovered as any Penalty is hereby directed to be sued for and recovered; and the same shall be applied to and for the Use and Benefit of the Company of Proprietors, or other the Owners or Proprietors of any Waterworks; and in case any such Water shall be contaminated or affected by Gas in any Way whatsoever, then and in every such Case the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by any of the Directors, or by the Treasurer, or by the Manager or Chief Clerk for the Time being of and for the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, to be left at the usual Office or Place of transacting Business of the said Commissioners, Body or Bodies, Company or Companies, or other Person or Persons as aforesaid, cause Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting the Water of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks; and in case the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid, shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, then and in every such Case the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid, shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Treasurer for the Time being, or to any One of the Directors for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, for the Use and Benefit of the same Proprietors or Owners, over and above the before-mentioned Penalty of Twenty Pounds, to be recovered as aforesaid, the Sum of Ten Pounds for each and every Day during which the Water of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, shall be and remain contaminated, tainted, or affected

fect by the Gas of the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid; and in Default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information, to be exhibited, on the Oath of One credible Witness, by and in the Name of the Treasurer, Manager, or Chief Clerk for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, or by and in the Name of any One or more of the Directors of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, at the Option of the Parties prosecuting such Information against the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid, before any Justice of the Peace for the said County, with Costs, to be assessed by such Justice, and to be levied by Distress and Sale of the Goods and Chattels of the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered to grant; and such Penalty or Penalties and Costs, when so levied, shall be paid to the Treasurer, or to One of the Directors for the Time being of the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, for the Use of the same Proprietors or Owners.

LXIII. And whereas it may be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid; be it therefore enacted, That in every such Case it shall and may be lawful to and for the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, to dig to and about, and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas of the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid, the Costs and Expences of the said Digging, Search, and Examination and Repair of the Pavement of the Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid, which Costs and Expences shall be ascertained and determined, if necessary, by such Justice as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if, upon such Examination, it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid, then and in such Case the said Company of Proprietors, or other the Owners or Proprietors of any Waterworks, shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Con-

For ascertaining if the Water is contaminated.

duits; or Apparatus of the said Commissioners, Body or Bodies, or other Person or Persons as aforesaid; in and by such Search and Examination, and also to the Pavement of the said Streets so broken up or disturbed in such Search or Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justice or Justices of the Peace as aforesaid.

Gas Pipes to be laid Four Feet from Water Pipes and in a particular Manner.

LXIV. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Lane, Passage, or other Place in the said Borough, shall be so laid at the greatest practicable Distance, and whenever the Width of the Carriageway in such Street, Lane, Road, Passage, or Place will allow thereof, at the Distance of Four Feet at least, as well from the nearest Part of any Water Pipe already laid down, or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Streets, Passages, or other Places in the said Borough, as also from the nearest Part of any Main or Conduit Pipe already laid down, or hereafter to be laid down by or by the Order of the said Commissioners, or of any Gas Light Company, or Person or Persons whomsoever, for the Conveyance of Gas in, under, through, along, across, or around any Street, Road, Passage, or other Place in the said Borough, unless in Cases where it shall be unavoidably necessary to lay any such Pipes across any of the Pipes of any Water Company, or any Gas Light Company, or of any Person or Persons whomsoever, in which Cases the said Pipes shall be laid over and above such Water Pipes, or such Pipes of any Gas Light Company, or of any Person or Persons whomsoever (as the Case may be), at the greatest practical Distance therefrom, and shall form therewith a Right Angle; and that in such Cases the said Pipes so crossing the said Pipes of any Water Works Company, or any Gas Light Company, or of any Person or Persons whomsoever, shall be at least Nine Feet in Length, so that no Joint of any of the said Pipes shall be nearer to any Part of the said Pipes of any Waterworks Company, or any Gas Light Company, than Four Feet at least; and that in laying down the said Pipes the said Commissioners, or Person or Persons, Body or Bodies Politic or Corporate, or Person or Persons whomsoever, shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing, with the other Pipes to be added thereto, with proper and sufficient Materials; and also to make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively Air-tight, and in all and every respect prevent the said Gas from escaping therefrom, and from any Part thereof, upon Pain of forfeiting for every Offence the Sum of Five Pounds, to be recovered as any Penalty is herein directed to be recovered, and shall be paid to the Company of Proprietors of the Waterworks or Gas Light Company, as the Case may be.

Time for laying Pipes.

LXV. And be it further enacted, That no Part of the Streets, Highways, or public Places within the said Borough shall be broken

or taken up for the Purpose of laying down any new Main of Pipes, or any new Service of Pipes, in the Months of *December, January, or February*; and that if any Water or Gas Company, or other Person, shall break or take up any Part of such Streets, Highways, or public Places, in violation hereof, then such Company or other Person so offending shall forfeit and pay the Sum of Ten Pounds for every Square Foot of such Street, Highway, or public Place so broken or taken up.

LXVI. And be it further enacted, That if any Person or Persons shall wilfully break, throw down, displace, or damage any Lamp or Lamps already set up by virtue of the said recited Act, or that shall be set up by virtue of this Act, by Order or by Authority 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, Lanes, Passages, or Places, or shall wilfully extinguish the Light or Lights within the same, or shall cut, break, or injure any Gas Pipes, or shall throw down or damage the Posts, Irons, Covers, or other Furniture of any such Lamps, it shall and may be lawful to and for any Person and Persons 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 Borough; 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 Five Pounds, and shall moreover pay such Sum or Sums of Money 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 Forfeitures, and also such Satisfaction as aforesaid, such Justice is hereby required to commit him, her, or them to the Common Prison of the said Borough, or to any Common Gaol or House of Correction in or for the County of *Wilts*, 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.

Penalty for
wilful
Damage to
Lamps, &c.

LXVII. 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 or on the Authority 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, or cut, break, or injure any Gas Pipes, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in every such Case

Satisfaction
for accidental
Damage to
Lamps, &c.

Case it shall and may be lawful to and for any Justice of the Peace for the said Borough, upon Complaint made, to summon before him the Party or Parties who shall be complained of for doing such Damage as aforesaid; or in case the Damage shall be done by any Servant or other Person (being afterwards not to be found) having the Care of or attending any Horse or Carriage, or other Matter or Thing, the Owner or Proprietor whereof shall be known, then to summon before him such Owner or Proprietor, and upon hearing the Allegation and Proof on both Sides, or Non-appearance of the Party or Parties so complained of, or of such Owner or Proprietor (as the Case may be), 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 may 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 Two clear 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.

Watchmen to
be appointed.

LXVIII. 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 Borough during the Night-time, under such Regulations, and subject to such Orders as the said Commissioners shall make 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 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 such Watchmen shall be sworn in as Special Constables before any Justices of the Peace for the said Borough; 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 of Security to be for that Purpose appointed within the said Borough, all Felons, Malefactors, Rogues, Vagabonds, disorderly Persons, and Disturbers of the public 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 Borough, to be examined and dealt with according to Law; and in case of any Misbehaviour or Neglect of Duty of any such Watchman being proved before any Justice of the Peace for the said Borough, such Justice shall have Power to fine such Watchman any Sum not exceeding Ten Shillings,
or

Watchmen's
Duty.

or to imprison him in the House of Correction for any Time not exceeding One Calendar Month.

LXIX. And be it further enacted, That if any Victualler or Keeper of any Public House shall knowingly harbour or entertain, or suffer to remain in his or her Public 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, not exceeding Five Pounds.

Penalty on Victuallers harbouring Watchmen while on Duty.

LXX. 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; such Money to be paid out of the Monies to be raised for the Purposes of this Act.

Power to reward Watchmen disabled.

LXXI. And whereas many Parts of the Streets, Lanes, Ways, Passages, and other Places of the said Borough, are narrow, unsafe, and incommodious, and it would be of great Benefit if the same were widened and otherwise improved, and if new Streets, Ways, or Passages were opened, and if all Houses, Buildings, and Erections, projecting over the Footways within the said Borough were removed; be it therefore further enacted, That it shall be lawful for the said Commissioners to widen and alter the narrow Parts of the said Streets, Lanes, Ways, Passages, and other Places, so as to make the same safe and commodious for Carriages and Passengers; and also to open and make proper Communications between the said Streets, Lanes, and other Passages and Places, or any of them, and to open and make any new Carriage or Foot Roads or Ways, and also to take down and remove all or any of the Houses, Buildings, or Erections, as they shall consider necessary for effecting the Improvements aforesaid, particularly mentioned and described in the Schedule hereunto annexed; and also all such other Houses, Buildings, Lands, Tenements, and Hereditaments, as any Person or Persons shall be willing to sell, grant, or convey to the said Commissioners for the Purposes aforesaid.

Streets, &c. may be widened and improved.

LXXII. Provided always, and be it further enacted, That it shall not be lawful for the Trustees of any Turnpike Roads leading into the said Borough to apply any Part of the Tolls arising on any of the said Roads towards the paving, repairing, amending, stoning, or gravelling, lighting or watching any of the Streets, Lanes, or other Public Passages or Places within the said Borough, and which said Streets, Lanes, Passages, or Places shall not from henceforth be deemed or taken to be Part of any Turnpike Road; any thing in any Act or Acts to the contrary notwithstanding.

Trustees of Turnpike Roads not to repair the Streets.

LXXIII. And be it further enacted, That it shall be lawful for the said Commissioners to treat and agree with such Person or Persons, Body or Bodies Politic or Corporate respectively, as shall be or be deemed

Commissioners may purchase Land for any of the Purposes of this Act.

deemed to be Owners of or interested in any Houses, Buildings, Erections, Projections, Encroachments, Lands, Tenements, or other Hereditaments within the said Borough, or in the Parishes of *Bishops Cannings* and *Rowde*, or either of them, in the said County of *Wilts*, which they the said Commissioners shall think right and proper to be taken or used for the Purposes of widening and improving the Streets, Lanes, and Passages within the said Borough, or for the Erection of Gas Works, or for the Purpose of depositing Stones, Gravel, or other Materials, or the Soil to be collected by the Scavengers, or in any other Manner 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.

Power to purchase limited to Five Years.

LXXIV. Provided always, and be it enacted, That in case the said Commissioners shall not purchase or agree for the Purchase of the Lands, Tenements, or Hereditaments mentioned in the Schedule hereunto annexed within Five Years after the passing of this Act, then and in such Case all the Powers and Authorities hereby given to the said Commissioners for purchasing such Lands, Tenements, or Hereditaments shall cease and determine, except by and with the Consent of the Owners and Proprietors thereof.

Power for Bodies Politic to sell.

LXXV. And be it further enacted, That it shall be lawful for all Bodies Politic, 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 Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert; and also to and for all Femes Covert who are or shall be seized 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 seized, possessed of, or interested in any Houses, Buildings, Erections, Projections, Encroachments, Lands, Tenements, Tolls, or 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 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
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whatsoever,

whatsoever, of their said several and respective Cestuique Trusts, and all Persons claiming or to claim by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Feoffees 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.

LXXVI. And be it further enacted, That if any Body Politic, 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, Proprietor or Proprietors, Occupier or Occupiers, or other Person or Persons whomsoever, interested in any House or Houses, Building or Buildings, Erection or Erections, Lands, Tenements, or Hereditaments, mentioned in the Schedule to this Act annexed, which the said Commissioners shall consider necessary for any of the Purposes of this Act, (save and except such as may be required for the Erection of Gas Works, or for depositing Stones, Gravel, or other Materials, or the Soil to be collected by the Scavengers), shall refuse to treat, contract, or agree for the Sale thereof, 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 Purpose, 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 Sessions of the Peace to be holden for the County of *Wilts*, 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 Politic 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 proposing 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 *Wilts* 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 of *Wilts*, 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

If Parties refuse to treat a Jury to settle the Value.

Trials

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 or 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 inquire touching the Matter in question; 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, are and is hereby empowered and required, by Warrant or Warrants under their or his Hands and Seals, or Hand and Seal, from Time to Time, as occasion may require, to summon and call before them all such Persons as shall be thought necessary to be examined as Witnesses touching the Matter in question; and the said Justices 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 Matter in question; which Jury upon their Oaths, to be administered by the said Justices or any one 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 are and is hereby empowered and required to administer,) shall inquire 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 Judgment for such Purchase Monies or Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon pronounced by the said Justices, shall be binding and conclusive to all Intents and Purposes against all Parties, Bodies Politic, 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.

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

LXXVII. 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, he shall for every such Offence forfeit and pay 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, according 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

Money as the said Justices, or the major Part of them so assembled as aforesaid, shall appoint, not exceeding the Sum of Ten Pounds.

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

Verdict to be recorded.

Provision that Verdict shall not be binding, unless Money paid within Six Calendar Months.

LXXIX. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money, or for a greater Annual Rent, for Recompence or Satisfaction for the absolute Sale of any Lands, Tenements, or other Hereditaments of or belonging to any Body or Bodies Politic, Corporate, or Collegiate, or to any Person or Persons unknown, or as a Compensation for any Damages done or to be done to any Lands or Tenements, Hereditaments, or other Property, than had been previously offered by or on the Behalf of the said Commissioners; or where any Verdict shall be found for any Damages where the Dispute is for Damages only; or where no Compensation, or a smaller Sum than shall be given by such Verdict, had been previously offered or tendered in respect thereof by or on behalf of the said Commissioners; or where by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with and make Conveyances to and receive a Compensation from the said Commissioners as herein-before mentioned; then and in all such Cases, all the reasonable Costs and Expences of impannelling, summoning, and returning such Jury, and taking such Verdict, shall be settled by the said Sheriff, and be defrayed by the said Commissioners; and in case such Costs shall not be paid by the said Commissioners within Seven Days after the same shall be demanded, the same shall and may be recovered, by the Person or Persons, Party or Parties, to whom the same have been given or awarded by the said Justices, in an Action at Law in any of His Majesty's Courts of Record at *Westminster*, against the Treasurer for the Time being of the said Commissioners; but if any Verdict shall be given for the same Sum or Rent as had been previously offered by or on behalf of the said Commissioners, or for a

Expences of Jury by whom borne.

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less Sum than had been so previously offered, or in case of such Refusal or Neglect to enter into a Treaty with or make such Conveyances to or receive Compensation from the said Commissioners by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act, or otherwise, legally capacitated to treat or convey, or receive such Compensation as aforesaid, then and in all such Cases (except where by reason of Absence or otherwise any Person or Persons shall have been prevented from treating and agreeing as aforesaid, when such Costs and Expences shall be paid by the said Commissioners) the Costs and Expences of impannelling, summoning, and returning such Jury and taking such Verdict shall be settled in like Manner by the said Justices so impannelling, summoning, and returning such Jury and taking such Verdict, and be borne and paid in the Manner following; (that is to say), one Moiety or Half Part of such said Costs and Expences shall be borne and paid by the said Commissioners, and the other Moiety or Half Part thereof by the Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons, with whom the said Commissioners shall have such Disputes or Controversies; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons as aforesaid, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums of Money so assessed and adjudged; and in case no Compensation shall be given by such Verdict, where the Dispute is for Compensation only, such Costs and Expences, after having been so ascertained and settled as aforesaid, shall and may be recovered by the said Commissioners, by such Ways and Means as are herein provided for the Recovery of any Penalties or Forfeitures incurred by this Act.

Provision for Application of Compensation where equal to 200l.

LXXX. 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 Politic, Corporate, or Collegiate, Tenant for Life or in Tail, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to 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 Court of Exchequer, to be placed to his Account there *ex parte* the said Commissioners, pursuant to the Method prescribed by an Act made in the First Year of the Reign of King George the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters*

1 G. 4. c. 35.

*Masters of the said Court, and for other Purposes, and the General Orders of the said Court, without Fee or Reward; 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, and 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 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 Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the said Court of Exchequer, 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 Exchequer 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, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.*

LXXXI. 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 by Writing under their respective Hands) be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, 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 Five or more of the said Commissioners, such Nomination

Provision for Application of Compensation where less than 200*l.* and exceeding 20*l.*

nation 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 and Approbation of the said Court of Exchequer.

Application
where less
than 20/.

LXXXII. Provided also, and be it further enacted, 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 or for the Use and Benefit of such Person or Persons so entitled respectively.

In case of
not making
out Titles.

LXXXIII. 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 Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, 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, Control, and Disposition of the said Court; which said Court of Exchequer, 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 Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem meet, just, and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

LXXXIV. Pro.

LXXXIV. 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 Exchequer, in pursuance of this Act, for the Purchase of 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 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 Exchequer; 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 lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in possession of the Lands, &c. at the Time of such Purchase shall be deemed entitled thereto, according to such Possession only, &c.

LXXXV. 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 Exchequer, or 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 Exchequer 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 Exchequer may order reasonable Expences of Purchases to be paid by the Commissioners.

LXXXVI. 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
 ‘ improving the Borough of *Devizes*, acting by virtue of an Act of
 ‘ Parliament passed in the Sixth Year of the Reign of King *George*
 ‘ the Fourth, intituled [*here set forth the Title of this Act*], do hereby
 ‘ grant and convey to the said Commissioners all [*here describe the*
 ‘ *Premises to be conveyed*], and all my Right, Title, and Interest to
 ‘ and in the same, and every Part thereof, to hold to the said Com-
 ‘ missioners for ever. In witness whereof, I have hereunto set my
 ‘ Hand and Seal, this _____ Day of _____ in
 ‘ the Year of our Lord _____

[*Local.*]

51 R

And

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.

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

LXXXVII. 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, within Three Calendar Months after the same shall have been agreed for, awarded, or assessed, to the Party or Persons respectively entitled to such Monies, or to their Agents; and upon Payment 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, or out of such Lands, Buildings, Houses, Tenements, or 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.

LXXXVIII. 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 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, and Hereditaments is and are herein directed to be settled and ascer-

tained 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 *Wilts*, 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 to the Person or Persons so refusing to deliver up Possession as aforesaid, by Distress and Sale of his, her, or their Goods and Chattels.

LXXXIX. And be it further enacted, That all and every Person or Persons who shall have any Mortgage or Mortgages on such Houses, Buildings, Lands, Tenements, or Hereditaments, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Commissioners, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Commissioners, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Commissioners, or such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the Mortgage or Mortgages at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice; then, and in such Case, at the Expiration of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Commissioners, or such Person or Persons as shall be appointed as aforesaid in Trust for them; and in case such Mortgagee or Mortgagees shall refuse to convey or assign as aforesaid on such Tender or Payment, that then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of such Houses, Buildings, Lands, Tenements, or Hereditaments, or the Part or Parts thereof which shall be taken for the Purposes of this Act (such Value to be ascertained in manner herein-before directed), then the said Commissioners shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of such Premises, to be determined as aforesaid.

XC. 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

Mortgages to be assigned to the Commissioners on Tender of Principal and Interest, together with Six Months Interest on the Principal Sum.

Power for Commissioners to cause Buildings

taken down
to be appro-
priated to the
Purposes of
the Act.

any Time be purchased under the Powers and for the Purposes of this Act, or otherwise, to be taken down, and to cause the Sites 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, Lanes, or other Passages, Roads, or Places in the said Borough, or to be formed and made into any new Streets, Roads, Lanes, Ways, or other Passages or Places in the said Borough, in such Manner as the said Commissioners shall judge proper; and the Land so added to or laid into the respective Streets, Lanes, or other 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, Roads, Lanes, Ways, or other Passages or Places as aforesaid, shall be used as Common Public Highways, Paths, and Passages.

The Words
"Grant, &c."
to operate as
Covenants for
the Title of
the Commis-
sioners.

XCI. And be it further enacted, That in all Grants, Demises, and Conveyances to be made by the said Commissioners under or by virtue of the several Powers and Authorities by this Act granted, the Words "Grant, Bargain, and Sell," shall be and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee or Purchaser, his, her, and their Heirs, Executors, Administrators, and Assigns, from the said Commissioners, for themselves and their Successors, that the said Commissioners, notwithstanding any Act done by them, were at the Time of the Execution of every such Grant or Conveyance seized of the Lands, Hereditaments, and Premises thereby granted, conveyed, and sold, of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, for the quiet Enjoyment thereof against the said Commissioners and their Successors, and all Persons claiming under them; and all such Purchasers shall be indemnified and saved harmless by the said Commissioners and their Successors.

Power to re-
sell Premises
not wanted.

XCII. And be it further enacted, That it shall be lawful for the said Commissioners to sell and dispose of so many or such Part or Parts of the Messuages, Buildings, Lands, Tenements, or Hereditaments to be purchased by or vested in them by virtue of the Powers herein contained, as shall at any Time be found to be unnecessary or more than sufficient for the Purposes of this Act; and for completing and carrying any such Sale or Sales into effect the said Commissioners or any Five or more of them are hereby authorized and empowered to make and execute any Conveyance or Conveyances of such of the said Premises as shall have been so sold or disposed of unto the Purchaser or Purchasers thereof, and such Conveyance or Conveyances shall in all Cases be deemed sufficient in the Law to vest such of the said Premises as shall be expressed and intended to be granted by such Conveyance or Conveyances in the Purchaser or Purchasers thereof, and his, her, or their respective Heirs and Assigns: Provided nevertheless, that the Person or Persons whose Lands shall adjoin the said Premises shall have the first Preference of purchasing such Part or Parts of the said Premises as shall be found unnecessary as aforesaid; and in case such Person or Persons shall, upon the same being offered to him or them by the said Commissioners in that Behalf, decline or refuse to purchase the same, then

then and in every such Case, an Affidavit being made and sworn before a Master or Master Extraordinary of the High Court of Chancery, by some Person or Persons (not interested in the Premises), stating that such Offer was made by or on the Behalf of the said Commissioners, and that such Person or Persons declined or refused to purchase the same Premises, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was declined or refused by such former Owner or Owners; but in case such Person or Persons shall be desirous of purchasing the same, and cannot agree with the said Commissioners in regard to the Price to be paid for the Purchase thereof, then and in such Case the Price or Value thereof shall be settled and ascertained by a Jury, in like manner as the Recompence or Satisfaction for any Hereditaments to be taken by the said Commissioners for the Purposes of this Act is herein-before directed to be settled and ascertained; and the Costs and Charges of ascertaining and determining the same shall be borne and paid in like manner as herein-before is directed with respect to Purchases made by the said Commissioners, *mutatis mutandis*; and all Monies to arise by any Sale or Sales which may be made by the said Commissioners of the said Premises, or any Part or Parts thereof, shall be applied to the general Purposes of this Act; but the Purchaser or Purchasers thereof, having paid his or their Purchase Monies to the Treasurer of the said Commissioners, and obtained his Receipt or Receipts for the same, shall not be liable to see to the Application of the said Monies, or answerable or accountable for the Misapplication or Non-application of the same.

XCIII. And whereas the said Commissioners are enabled to purchase not exceeding Two Acres of Land by virtue of this Act for the Purpose of supplying the said Borough with Gas, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons whomsoever, are empowered to sell such Quantity of Land to the said Commissioners: And whereas it is expedient to restrain the said Commissioners from selling any such Lands so purchased from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for Charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for Charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, in lieu or stead of the Lands so sold: Be it therefore enacted, That it shall not be lawful for the said Commissioners to purchase from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in

Restraining the Commissioners from purchasing more than Two Acres of Land from incapacitated Persons, &c.

Trust for Charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, more than such Two Acres; and in case the said Commissioners shall afterwards sell the Whole or any Part of such Two Acres so purchased, it shall not be lawful for the said Commissioners to purchase of or for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for Charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, to sell to the said Commissioners any other Lands in lieu or instead of those Two Acres, or any Part thereof, so sold or disposed of by the said Commissioners.

Damages
how to be
ascertained
and settled.

XCIV. And be it further enacted, That if any Person or Persons whomsoever shall sustain any Damage in his, her, or their Lands, Tenements, or 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.

Commissioners may contract for lighting with Gas the Turnpike Roads in or near the Borough;

and for repairing Market Place and Common Sewers to which the Mayor and Burgesses are liable.

XCV. And be it further enacted, That the said Commissioners may and they are hereby authorized and empowered to contract with the Trustees or Commissioners acting in the Execution of any Act or Acts relating to the Turnpike Roads which lead into the said Borough, for the lighting by means of Gas such Turnpike Houses and such Parts of the said Turnpike Road in or near the said Borough, in such Manner, for such Time or Times, and for such Sum or Sums of Money or other Compensation as the said Commissioners shall think proper; and that the said Commissioners may and they are hereby also authorized and empowered in like Manner to contract with the Mayor and Burgesses of the said Borough for the amending, widening, altering, and keeping in repair such Part of the Market Place or other Streets within the said Borough which usually have been or of right ought to be repaired by the said Mayor and Burgesses, or any Part thereof, and also such Common Sewers, Sinks, or Drains, and the Grates or Gratings thereof, as usually have been or of right ought to be so repaired by the said Mayor and Burgesses, or any of them, or any Part of the same respectively, in such

such Manner, for such Time or Times, and for such Sum or Sums of Money, or other Compensation, as the said Commissioners shall think proper; and that all Contracts and Agreements in Writing, entered into pursuant to any Order of the said Trustees, by their Clerk, for the Purposes aforesaid, or for any other Purpose, whether the Work is to be done by or for the said Commissioners, shall be binding on all Persons who shall sign the same, his, her, and their Executors and Administrators.

All Contracts to be binding.

XCVI. And be it further enacted, That in case all or any of the Works to be done in pursuance of this Act shall not be well and sufficiently performed according to the Intent and Meaning of any Contract or Contracts to be entered into by the said Commissioners for executing this Act, for the Purpose thereof, or shall not be completed within the Time or Times specified in such Contract or Contracts, or if any other Contract or Contracts to be entered into by the said Commissioners for the Purposes of this Act, whether the same shall relate to Work to be done or Matters performed by or for the said Commissioners, shall not be duly and properly performed and fulfilled, then and in every such Case the said Commissioners may cause an Action to be brought in any of His Majesty's Courts of Law at *Westminster*, against any Contractor or Contractors, or Person or Persons who shall not have well and sufficiently performed and fulfilled such Contract or Contracts, for any Penalty contained in such Contract, or to recover any other Damages, Costs, or Expences sustained by the Non-performance thereof; and upon Proof of the signing of the said Contract, and Non-performance thereof, at the Time or Times for that Purpose to be therein mentioned, the said Commissioners shall be entitled to and shall recover the full Penalty contained in any such Contract, or any reasonable and sufficient Damages; which Penalty or Damages, when recovered, shall be applied to the Purposes of this Act: Provided always, that it shall be lawful for the said Commissioners, if they think fit, to compound and agree with any such Contractor or other Person, for any Penalty or Damages incurred by him for the Breach or Non-performance of any such Contract, for such Sum of Money as the said Commissioners shall think proper, not being less than the Injury or Damage sustained by the Breach or Non-performance of such Contract, and all Costs, Charges, and Expences which shall be occasioned thereby.

Commissioners to cause Actions to be brought for Breach of Contract.

Commissioners may compound for Penalties for Breach of Contract.

XCVII. And be it further enacted, That nothing in this Act or in any Deed, Contract, Lease, or other Instrument hereby authorized to be entered into or made by the said Commissioners for executing this Act, or any of them, shall extend or be construed to extend to charge the Person or Persons of all or any of the Commissioners executing any such Deed, Contract, Lease, or other Instrument, or the Heirs, Executors, or Administrators of the same Commissioners, or any of them, or their or any of their own proper Lands and Tenements, Goods and Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the same Deed, Contract, Lease, or other Instrument contained on the Part of the same Commissioners, or any of them; but the Amount of all Costs,

Commissioners exempt from Personal Responsibility in Contracts.

Costs, Charges, Damages, and Expences which shall or may be recovered in any Suit or Suits at Law or Equity against them the said Commissioners, or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such last-mentioned Deed; Contract, Lease, or other Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expences which the said Commissioners shall bear, pay, expend, or be put to, or shall be occasioned to them for or by reason or means of any such Deed, Contract, Lease, or other Instrument, or any Covenant, Matter, or Thing therein contained, or any Action or Actions, Suit or Suits to be brought or prosecuted by or against them or any of them thereupon, shall respectively be paid and discharged by and out of the Monies to be raised or to arise or be received by virtue of this Act.

Rate for first
completing
Foot Pavements.

XCVIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, at some or one of their General Meetings to be held within Six Calendar Months after the passing of this Act, to cause an Estimate to be made of the Expence of paving such Part of the several Footpaths or Footways within the said Borough as are not already sufficiently paved, and of completing in a substantial and uniform Manner such Parts as are already imperfectly paved, and to cause such Sum of Money, not exceeding Two thousand five hundred Pounds, as shall be equal in Amount to One Half of such estimated Expence (or as near thereto as conveniently may be, so as to avoid Fractions), to be raised by a Rate or Assessment to be made by the said Commissioners, or any Assessor or Assessors appointed by them, and signed by the said Commissioners, or any Five or more of them, at some such General Meeting as aforesaid, upon all and every the Inhabitants and Occupiers of the several Houses, Warehouses, Shops, and Buildings, Yards, and Gardens, adjoining to Houses within the said Borough, according to the annual Rent or Value at which the same shall be respectively assessed in the last preceding Rate or Rates for the Relief of the Poor (or in proportion thereto, if the same shall not have been so rated); and each and every Person renting or occupying any such House, Warehouse, Shop, or other Building, Yard, or Garden, shall be liable and compellable to the Payment of the same Rate or Assessment, at such Time or Times, and by such Instalments as the said Commissioners shall direct, so that the Whole thereof be made payable within Two Years, to be computed from the Twenty-ninth Day of *September* next after passing this Act; and each and every such respective Renter or Occupier who shall pay such respective Rate or Assessment, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same from and out of the Rent, or any other Rent due and payable from him, her, or them to the respective Landlord, Owner, or Proprietor; and the Receipt for such Payment shall be a sufficient Discharge to such Renter or Renters, Occupier or Occupiers, to his, her, or their Landlord or Landlords, for so much Money as he, she, or they shall pay, or as shall be recovered from him, her, or them by virtue of this Act.

XCIX. And

XCIX. And be it further enacted, That for raising Money for carrying Rates for General Purposes. into Execution the several other Purposes of this Act, the said Commissioners shall and they are hereby authorized and required, once in every Year, or oftener if they shall see Occasion, at some General Meeting, to make a Rate or Rates, Assessment or Assessments, or cause the same to be made by any Assessor or Assessors to be appointed by them for the several other Purposes of this Act, upon the Tenants or Occupiers of Houses, Shops, Warehouses, or other Buildings, Estates, Lands, Tenements, or Hereditaments within the said Borough of *Devizes*, and upon all other Persons chargeable or assessable for and towards the Relief of the Poor within the said Borough, for such Sum or Sums of Money as the said Trustees, or any Five or more of them, shall at any General Meeting order and direct: Provided always, that no Rate or Assessment to be made for any of the Purposes of this Act shall exceed in the Whole in any one Year Sixpence in the Pound on the Lands and Hereditaments called or being Part of the old disparked Park within the said Borough, or being otherwise occupied only as Arable or Pasture Ground, nor (except the said First Rate or Assessment for the raising Half the Expence of paving the Footpaths or Footways as aforesaid) shall exceed Four Shillings in the Pound on all other Property rateable by virtue of this Act: Provided also, that Rates or Assessments to the full Amount of Sixpence in the Pound on the said Lands in the said disparked Park, or being occupied only as Arable or Pasture Ground, shall be made, assessed, and levied in every Year in which the Rates or Assessments on other Property shall amount to One Shilling and Three-pence in the Pound, and so in Proportion for any less Amount, but shall not be increased in respect of any Rates on such other Property exceeding One Shilling and Three-pence in the Pound. Limitation of Rates.

C. And be it further enacted, That it shall be lawful for the said Commissioners, in case they shall think fit to rate or assess the Landlord or Owner of every House or other Building which shall be let to or occupied by Two or more Tenants, or which shall be assessed on a Rent or annual Value not amounting to Six Pounds, instead of assessing the Tenant or Occupier thereof, and the said Landlord or Owner respectively shall pay the same accordingly, or the same, if paid by or recovered from the Tenant or Occupier, may be deducted from the Rent, in such Manner as is herein-before directed respecting the First Rate or Assessment herein-before directed to be made. Landlords to be assessed in certain Cases.

CI. And to prevent Disputes touching the Designation of Owner or Landlord of any Messuages or Hereditaments intended to be made liable to be rated by any Rates from Time to Time made by virtue of this Act, or as to any other Matters or Provisions affecting any Owners, Landlords, or Proprietors of any Messuages or Hereditaments in this Act contained; be it further enacted, That the Person or Persons legally authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect the Rents of any Messuages or Hereditaments from the Tenants or actual Occupiers thereof, or of any of them, shall be liable to be rated, and shall be compellable to pay the Rates in respect of such Messuages or Hereditaments in all Cases in which either Owners, or Landlords, Persons receiving Rents deemed Owners.

or Proprietors are made liable to be rated, and to the Payment of the Rates made by virtue of this Act; and shall also be liable as such Owners, or Landlords, or Proprietors in all other Matters; and for all other Purposes affecting the Owners, or Landlords, or Proprietors of any Messuages or Hereditaments in this Act contained, unless the real Owner or Owners, or Landlord or Landlords, Proprietor or Proprietors thereof, shall be declared by himself or themselves to be the real Owner or Owners, Landlord or Landlords, Proprietor or Proprietors thereof, or shall be distinctly and certainly known to their Satisfaction by the said Commissioners respectively to be the real Owner or Owners, Landlord or Landlords, Proprietor or Proprietors thereof.

Collection
and Recovery
of Rates.

CII. And be it further enacted, That all the Monies to be rated or assessed on any Property within the said Borough by virtue of this Act, shall and may be collected and received by the Collector or Collectors, or other Person or Persons to be from Time to Time appointed by the said Commissioners for that Purpose, who shall pay over the Sums collected by him and them to the Treasurer, at such Times and in such Manner as the said Commissioners shall direct; and if any Owner or Owners, Tenants or Occupiers, of any Property rated or assessed, and who ought to pay the same, shall neglect or refuse to pay his, her, or their Proportion or Proportions of any such Rates or Assessments, to the Person or Persons appointed to receive the same, for the Space of Five Days after personal Demand thereof, or Demand left in Writing at the Dwelling House or usual Place of Abode of such Person or Persons so rated or assessed, or so chargeable, the same shall be levied and recovered on and from such Person or Persons so neglecting or refusing, by Distress and Sale of his or her Goods and Chattels, by Warrant under the Hand and Seal or Hands and Seals of any One or more Justice or Justices of the Peace for the said Borough, and the Overplus (if any) of the Monies to be raised by such Distress and Sale shall be returned to the Owner or Owners of the Goods and Chattels so distrained and sold, together with such as shall remain unsold, after deducting all Costs, Charges, and Expences attending such Distress and Sale.

Power for
Commission-
ers to amend
Rates.

CIII. And be it further enacted, That if the said Commissioners for their respective Jurisdictions shall at any Time or Times neglect or omit to rate or assess any Person or Persons liable to pay or be charged with any Rate or Assessment to be made by virtue of this Act, or shall in any such Rate or Assessment over-rate or under-rate any Person or Persons liable to pay any such Rate or Assessment, then and in every such Case it shall be lawful for the said Commissioners respectively to rate and assess in the said Rate or Assessment such Person or Persons so omitted to be rated and assessed, and to lessen or raise the Rate or Rates, Assessment or Assessments of such Person or Persons so over-rated, or under-rated, or otherwise to alter or amend such Rate or Rates, Assessment or Assessments, so as to make the same conformable to the true Intent and Meaning of this Act; and it shall be lawful for the said Commissioners respectively, and they are hereby empowered, to strike out the Name or Names of any Person or Persons not liable to the Payment of the Rates hereby directed

directed to be made, and all such Additions to, or Alterations, or Amendments in, such Rates or Assessments, shall be as valid and effectual as if the same had been Part of the Rates or Assessments originally made, and shall not be held to vitiate the original Rate or Rates.

CIV. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners, whenever they shall think fit so to do, to omit, in every or any Rate or Assessment to be made by virtue of this Act, the Name or Names of, or discharge from the Payment of Rates any Person or Persons who shall be liable to be rated or pay Rates according to the Provisions aforesaid, in respect only of any House, Shop, or other Building under the yearly Value of Six Pounds, according to the Rack Rent thereof, and also to omit the Rating or discharge from the Rates all such Persons who by reason of his, her, or their Poverty only is, are, or shall be excused from paying any Rate made for the Relief of the Poor; and in case any such Person or Persons respectively herein directed to be omitted to be rated or discharged from Payment of Rates shall be so rated, and any Proceedings for the Recovery of Rates from him, her, or them shall take place, it shall and may be lawful for any Two Justices of the Peace acting for the said Borough, on due Inquiry into the Circumstances, to discharge such Person or Persons from the Payment of such Rates.

Power to omit or exempt from Rates small Houses and Persons unable to pay.

CV. And be it further enacted, That in case the Houses, Shops, Warehouses, or other Buildings, Estates, Yards, and Gardens, Lands, Tenements, or other Hereditaments within the said Borough, shall at any Time hereafter by means of any Alteration in the Mode of rating be assessed at a lower Valuation than that at which the same are at present respectively assessed, whereby the Aggregate Amount of the Rates or Assessments hereby authorized shall or may be diminished, or whereby the Persons who shall or may have subscribed or advanced or who shall hereafter advance any Money for the Purposes of this Act, upon the Credit or Security of such Rates or Assessments hereby authorized, or their Executors, Administrators, or Assigns, shall or may in any wise be prejudiced, or whereby the Purposes of this Act, or any or either of them, shall or may in anywise be defeated or abridged, then that it shall be lawful for the said Commissioners to make and assess as theretofore such last-mentioned Rates, and it shall also be lawful for the said Commissioners to assess any Houses, Shops, Warehouses, or other Buildings, Yards, and Gardens which shall be hereafter erected or made in the said Borough, and which shall be liable to be rated or assessed under or by virtue of this Act, or which shall not then have been so rated or assessed, in the same Manner and Form, as near as may be, as any other Houses, Shops, Warehouses, or other Buildings, Yards, and Gardens, Estates, Lands, Tenements, or other Hereditaments are hereby directed to be rated or assessed, and to collect and receive the said Rates and Assessments, as well for or in respect of such Houses, Shops, Warehouses, or other Buildings, Yards, and Gardens as shall be newly rated or assessed under or by virtue of this Act, or for or in respect of those which shall have been rated or assessed previously to such Alteration as aforesaid, and to enforce

In case the present Mode of assessing the Poor Rate be changed, the Commissioners may continue as theretofore the Rates hereby authorized, and assess new Houses, &c. not previously rated in like Manner.

enforce and recover Payment of all the same Rates and Assessments, in such Manner and as fully, effectually, and absolutely, to all Intents and Purposes whatsoever, as they could or might have collected, received, and recovered the aforesaid Rate or Assessment upon the said Annual Value (estimated as aforesaid) for or in respect of such of the same Premises as were so previously rated or assessed as aforesaid.

Recovery of Rates from Persons quitting.

CVI. And be it further enacted, That if any Person or Persons who shall be rated or assessed for the Purposes of this Act, or any of them, shall quit his, her, or their Premises in respect of which any Rate or Assessment shall be made by virtue of this Act, before he, she, or they shall have paid such Rate, and shall afterwards refuse or neglect to pay the same for the Space of Seven Days next after Demand thereof made by any Collector or Collectors appointed in pursuance of this Act, it shall and may be lawful for any Justice of the Peace for the said Borough, upon any Information or Complaint of such Collector or Collectors, in Writing, of such Demand, and Refusal or Neglect, to summon such Person or Persons to appear before him, or any other Justice of the Peace for the said Borough; and upon the Appearance or Contempt of such Person or Persons, it shall and may be lawful to and for such Justice to hear and determine the Matter of such Complaint in a summary Way, and to give a Judgment for the Amount of such Rate or Assessment, or so much thereof as shall appear to the said Justice to be then remaining due and unpaid, and by Warrant under his Hand and Seal (which he is hereby authorized and required to grant) to levy the same, or so much thereof as shall remain unpaid, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting, together with the Costs and Charges attending the same.

Persons removing to pay in proportion.

CVII. And be it further enacted, That in all Cases where any Person or Persons shall remove from or quit the Possession of any Tenements or Hereditaments, the Tenant or Occupier whereof shall be rated or assessed, or be liable to be rated or assessed by virtue of this Act, every such Person or Persons so removing from or quitting the same shall be liable to pay such Rate or Assessment in proportion to the Time that such Person or Persons occupied the same respectively, and in the same Manner as if such Person or Persons had not removed from or quitted the Possession of the same; and in all Cases where any Person or Persons shall come into or occupy any Tenement or Hereditament rated or assessed, or liable to be rated or assessed as aforesaid, out of or from which any other Person or Persons shall have removed, or which at the Time of making any such Rate or Assessment was empty and unoccupied, the Person or Persons coming into or occupying the same shall be liable to pay such Rate or Assessment, although his, her, or their Name or Names may not be inserted in such Rate or Assessment, in proportion to the Time that such Person or Persons shall occupy the same respectively, and in like Manner as if such Person or Persons had been originally rated or assessed by Name in such Rate or Rates, Assessment or Assessments; which said Proportions, in case of Dispute, shall be settled and ascertained by the said Commissioners.

CVIII. And

CVIII. And be it further enacted, That the Books of Rates to be delivered to the Collectors or other Officers by the said Commissioners, and all Entries afterwards made therein, or examined Copies thereof respectively, being signed by any Three or more of the said Commissioners, shall be received as Evidence of the Rates imposed by virtue of this Act, and of the Payment of such of them, or any Part thereof, as shall by such Entries appear to have been paid to such Collectors.

Rate Book
Evidence.

CIX. And whereas under and by virtue of the said Act passed in the Twenty-first Year of the Reign of His late Majesty King *George* the Third, certain Tolls to be collected on *Sundays*, in the Name of a *Sunday* Street Toll, were granted to, and vested in, the Trustees appointed by such Act, for the Purposes thereof: And whereas by virtue of the said recited Act certain Sums of Money, amounting in the whole to the Sum of Four hundred Pounds, have been borrowed at Interest, and now remain due on Mortgage of the said Tolls, and of the Rates directed by the said recited Act to be raised; be it therefore further enacted, That for the better enabling the said Commissioners appointed by this Act to pay off the said Mortgage Debt, and the Interest thereof, the said *Sunday* Tolls shall be and the same are hereby granted to and vested in the Commissioners appointed by this Act, for the Term of Fourteen Years, to be computed from the Twenty-ninth Day of *September* One thousand eight hundred and twenty-five, and no longer; and all and every the Powers and Provisions for altering, varying, receiving, collecting letting, or recovering the said Tolls, erecting or using Turnpikes, and every other Clause, Matter, and Thing contained in the said recited Act relating to the said Tolls, shall remain, continue, and be in full Force and unrepealed; and the said Commissioners appointed by this Act shall have such and the like Powers and Authorities as the Trustees appointed by the said recited Act, for the said Term of Fourteen Years, but no longer, in as full and ample a Manner as if the said recited Act had not been repealed, and the Commissioners hereby appointed had been appointed Trustees thereof; and that from and after the Expiration of the said Term of Fourteen Years the Whole of the said recited Act shall be and is hereby declared to be null and void.

Sunday Tolls
granted by
former Act
continued for
a limited
Time.

CX. And be it further enacted, That for the more speedily enabling the said Commissioners to execute the Purposes of this Act, it shall be lawful for the said Commissioners to receive any voluntary Subscriptions, and also from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they shall judge necessary, 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 Interest for the same, at such Rate as shall be agreed upon; and the Costs and Expences of such Mortgages or Assignments thereof, to be made as herein-after mentioned, shall be from Time to Time defrayed

Power to
borrow
Money on
Mortgages of
Rates.

by the said Commissioners out of the Monies to be so borrowed; and every such Mortgage or Assignment 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 passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, 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 the Purposes of the said Act, do hereby grant and assign unto the said *A. B.* [*or, to his Trustee or Trustees, as the Case may require*], his Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments arising by virtue of the said Act as the said Sum of doth or shall bear to the Whole Sum which may at any Time be borrowed, or 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 Commissioners 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 Money by Annuities.

CXI. 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 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 Rates herein-after mentioned; 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 passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, 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

‘ during the natural Life of C. D., as the Case may be,] by equal
 ‘ 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 every such Grant shall be good, valid, and effectual in the Law, without any Enrolment 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 Monies to be received by virtue of this Act, according to the Grant of such Annuity.

CXII. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and according to the Rate prescribed by Two several Acts, one passed in the Forty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities*, and the other passed in the Fifty-second Year of the Reign of His said late Majesty, intituled *An Act for amending Two Acts passed in the Forty-eighth and Forty-ninth Years of His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities*.

Restrictions
as to Grants
of Annuities.

CXIII. 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 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 pre-
scribed 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 Annuity], bearing Date the Day of
 ‘ under the Hands and Seals of the Commissioners acting in the
 ‘ Execution of an Act passed in the Sixth Year of the Reign of His
 ‘ Majesty King George the Fourth, intituled *An Act [here set forth the
 ‘ Title of this Act]*, upon the Credit of the Rates and 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

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 seasonable 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 Five Shillings 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.

Redemption
of Mortgages.

CXIV. Provided always, and be it further enacted, That every Assignment or 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 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
recovered.

CXV. 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, and on Notice in Writing under the Hand or Hands of such Creditor or Creditors being served or left at the Office of the Clerk of the said Commissioners, by any Order under their Hands and Seals to appoint One or more Person or Persons, or in case of their Neglect for the Space of Twenty-one Days after Service of such Notice to make such Appointment, then for such Creditor or Creditors, by Writing 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 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,

Annuities, in arrear shall be due, and shall be paid to him, her, or them accordingly; and when the 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 Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

CXVI. And be it further enacted, That in case the said Commissioners shall at any Time be able to borrow or take up any Sum or Sums of Money at a lower Rate of Interest than shall happen to be payable upon any of the original or other Mortgages which may have been granted by the said Commissioners, and which may happen to be then existing, it shall be lawful for the said Commissioners from Time to Time to charge the said Rates or Assessments, in Manner aforesaid, with any Sum or Sums of Money to be borrowed at such lower Rate of Interest, and the Interest thereof at such lower Rate as aforesaid, and therewith to pay off and discharge any of the said original or other Mortgages, bearing a higher Rate of Interest, according to the Directions and Regulations herein-after prescribed for paying off Mortgages.

Money may be borrowed at lower Interest, to pay off existing Mortgages.

CXVII. Provided always, and be it further enacted, That (in case the said Commissioners shall erect the necessary Works for lighting the said Borough with Gas), a separate and distinct Account shall be kept of the Expenditure of the Sum to be so applied in erecting Buildings, Apparatus, Machinery, and other Works for supplying the said Borough with Gas, and in carrying this Act into Execution in relation thereto, and of the Money to be received for lighting with Gas any private Houses, or Buildings, or other Places by this Act authorized to be lighted, so that after crediting the said Account with a fair and reasonable Sum for lighting the public Lamps in the Streets, Lanes, Passages, and Places within the said Borough (not higher than the Sum at which it may be ascertained or computed that any other Person or Persons, Company or Companies would have lighted such Lamps), an accurate Statement may be from Time to Time made of the Profit or Loss attending the Gas Works.

Separate Accounts to be kept as to Gas Works.

CXVIII. 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, Clerk, Assessor, Collector, Receiver, Surveyor, Watchman, Scavenger, or other Officer or Officers, Workmen, Person or Persons whomsoever, who is, are, or shall be employed, by virtue of this Act, in the Performance of his or their Duty, or of any of the Matters or Things to be done by virtue or under the Authority of the same respectively, every such Person so offending

Penalty on Persons interrupting or assaulting Officers or Workmen.

[Local.]

51 X

shall

shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Ten Shillings.

In case of Nonpayment of Compensation for Damages by the said Commissioners, the same to be levied on their Treasurer.

CXIX. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by such Commissioners or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Commissioners to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made from the Clerk to the said Commissioners or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in such Commissioners, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose, by such Justice or Justices, which Warrant any such Justice or Justices is and are hereby authorized and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money, as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid, and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Commissioners or to their Treasurer for the Time being as the Case may be : Provided always, that it shall and may be lawful for such Treasurer to retain out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Damages and Charges in case of Dispute to be settled by Justices.

CXX. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offenders Goods and Chattels in manner hereby directed for the levying of any Penalties or Forfeitures.

Power to detain unknown Persons guilty of Offences.

CXXI. And whereas Persons guilty of Offences against this Act may be transient Persons unknown to the Collectors, Surveyors, or other Officers employed under this Act; be it therefore further enacted,

That it shall and may be lawful to and for any Commissioner, or the said Collectors, Surveyors, or other Officers respectively, to seize and detain any such unknown Person or Persons guilty of any Offence or Offences against this Act, and forthwith to convey him, her, or them before any Justice or Justices of the Peace for the said Borough, without any other Warrant or Authority than this Act for so doing; and if any Surveyor, or other Officer or Officers, Person or Persons hired or employed by the said Commissioners for any of the Purposes of this Act, by the Year, or for any Period not less than Six Calendar Months, at a Salary or Wages, shall be personally present, and see or witness or have Notice of any Offence committed against this Act, and shall not forthwith give Information thereof, so that the Offender or Offenders may be prosecuted, every such Officer so neglecting shall for every such Neglect forfeit a Sum not exceeding Five Pounds nor less than Five Shillings.

Penalty on
Officers not
informing.

CXXII. And be it further enacted, That all Offences whatsoever, which by virtue or under the Authority of this Act are or shall be subject to or punishable with any pecuniary Penalties, Fines, or Forfeitures (for the Recovery of which no express Provision is herein-before made), shall and may in every Case be heard, adjudged, and determined by and before any One or more Justice or Justices of the Peace for the said Borough, or for the County, City, or Place where the Offender shall be or reside, in a summary Way, upon Information or Complaint made and exhibited in Writing (and which shall, in every Case, be made and exhibited within Six Calendar Months at the furthest next after the committing of such Offences respectively, and not afterwards); and upon any such Information or Complaint as aforesaid, the said Justice or Justices shall examine into the Matter thereof; and if, upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses, the said Party or Parties accused shall be convicted of having committed any such Offence or Offences, then and in every such Case the Penalty or Penalties hereby made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justice or Justices, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then the said Penalty or Penalties shall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any such Justice or Justices (which he or they is and are hereby empowered and required to grant), be levied and recovered; together with the Costs of Conviction and Recovery thereof, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, wherever such Goods or Chattels can be found, rendering the Overplus of the Money arising by such Sale (if any) to the Party or Parties whose Goods or Chattels shall be so distrained; all which Penalties, not herein directed to be otherwise applied, shall be paid to the Treasurer of the said Commissioners for the Time being, to be applied for the general Purposes of this Act; and it shall and may be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said

Recovery and
Application
of Penalties.

said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his or their Appearance before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security (and which Security the said Justice or Justices is and are hereby empowered to take, by way of Recognizance or otherwise); but if, upon the Return of such Warrant or Warrants, it shall appear that no sufficient Distress can be had, whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid; or in case it shall appear to the Satisfaction of any such Justice, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied, were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the common Prison, common Gaol, or House of Correction for the said Borough, or for such other County, City, or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Offender or Offenders shall have sooner paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law.

**Limitation of
Actions.**

CXXIII. 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, 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 Judgment shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court; and all such Actions and Suits shall be laid and tried in the County where the Cause of Action shall have arisen, 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

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 the said former Act; 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 Judgment, after the Defendant or Defendants shall have appeared thereto, or if Judgment shall be given for the Defendant or Defendants therein, or if any Verdict shall pass upon the Plaintiff or Plaintiffs, or if upon any Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or may have for his or their Costs in any other Cases by Law.

CXXIV. 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 Act or the said recited Act, or the Powers herein contained, 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 and Remedies for recovering the same as any Plaintiff or Plaintiffs may have for his, her, or their Costs in any other Case by Law.

Double
Costs.

CXXV. And be it further enacted, That in any Action, Prosecution, Information, Proceeding, or Suit whatsoever, relating to or concerning the Execution of this Act or the said recited Act, 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 Act 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.

Inhabitants
not incompe-
tent Wit-
nesses.

CXXVI. 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 Act, whether on the Part of the Prosecutors or of the Person or Persons complained of, and such Person or Persons so summoned as aforesaid shall refuse or neglect to appear, after having been paid or tendered a reasonable Sum for his, her, or their Costs and Expences, at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for such his, her, or their Refusal or

For compell-
ing the
Attendance
of Witnesses.

[Local.]

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Neglect,

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 and pay for every such Offence any Sum not exceeding Five Pounds.

Form of Con-
viction of
Offenders.

CXXVII. 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, 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),

‘ Borough Incorporate of *Devizes*, in the
 ‘ County of *Wilts* [or other Place, as
 ‘ the Case may be.] } **BE** it remembered, That on this
 ‘ of our Lord Day of in the Year
 ‘ *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 Sta-
 ‘ tute in that Case made and provided; 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, as the*
 ‘ *Case may be*] the Day and Year first above written.’

Appeal:

CXXVIII. 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 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, Judgment, or Determination of the said Commissioners, or by any Penalty imposed, or by any Conviction made, by the said Justice or Justices, or by any other thing done in pursuance of this Act or the said former Act hereby repealed, (save and except in such Cases where any Order, Judgment, 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 the next General Quarter Sessions of the Peace to be holden for the said County of *Wilts*, provided the same shall not be holden within One Calendar Month next after the Cause of Complaint shall have arisen, but if the same shall be holden within that Time, then at the next following General Quarter Sessions of the Peace for the said County, the Person or Persons appealing, or intending to appeal, within Seven Days after such Complaint or Grievance happening, entering into a Recognizance before some Justice of the Peace for the said Borough or County, with Two 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, and giving to the Clerk to the said Commissioners Twenty-one Days Notice at the least in Writing of such intended Appeal, or other the Respondent or Respondents, and of the Matter thereof, previous to the Sessions at which the same is to be heard; and the Justices, upon

due Proof at such Sessions of 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; but no Person or Persons shall be entitled to appeal against any Rate or Rates, Penalty or Penalties, without first paying the Rate or Rates, Penalty or Penalties appealed against.

CXXIX. 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 Politic, 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 Politic, 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.

Justices may relieve on Appeal from Rates.

CXXX. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, or the said former Act hereby repealed, 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 Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties 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 Form.

CXXXI. And be it further enacted, That no Order, Verdict, Rate, Assessment, Judgment, Conviction, or other Proceeding touching or concerning any of the Matters aforesaid, or touching or concerning any Offence against this Act, 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.

Proceedings not to be quashed or removed by Certiorari.

CXXXII. 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

Proceedings to be within Six Months.

Penalties or Forfeitures inflicted by virtue of this Act, for any Offence or Offences against this Act, unless some Proceedings, or Notice of some intended Proceedings, shall be had or given, according to the Direction of this Act, within Six Calendar Months next after such Offence committed; save and except as herein excepted, or otherwise provided for.

This Act not to prejudice the Rights of the Mayor and Burgesses.

CXXXIII. 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 Mayor and Burgesses of the Borough aforesaid, as Owners of the Soil, and of the Fairs and Markets within the said Borough, but all and every such Rights, Interest, 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; save and except in such Cases as are by this Act specially otherwise provided for.

Public Act.

CXXXIV. 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.

The SCHEDULE to which this Act refers.

Description of Property.	OWNERS.	OCCUPIERS.
<i>In the Street called the Brittox.</i>		
House and Shop	The Mayor and Burgesses of Devizes, and Jane Pepler and Ann Pepler, their Lessees	Themselves.
Ditto	The Mayor and Burgesses of Devizes and John Vaisey, their Lessee	John Vaisey.
Ditto	Richard Knight (Part held under the Mayor and Burgesses of Devizes)	Richard Knight.
Ditto	The Mayor and Burgesses of Devizes and Miss Whitfield, their Lessee	Jane Fitchew.
Houses and Shops	The Mayor and Burgesses of Devizes and Merchant Lewis, their Lessee	Thomas White and John Norman.
House and Shop	The Mayor and Burgesses of Devizes (as Trustees for the Old Almshouse) and the Devisees of John Brownjohn	Robert Fennell.
<i>Brittox and High Street.</i>		
House, Offices, and Garden	William Hughes, Esq.	Henry Saunders and Messrs. Locke, Hughes, and Co.
<i>Chapel Corner Street.</i>		
Houses, Shops, Yards, and Gardens	Charles Holloway	William White and William Stevens.
Ditto	Devisees of David Wadworth	Margaret Cook and another.
Ditto	William Wadworth	Henry M'Losky and others.

[Local.]

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Description of Property.	OWNERS.	OCCUPIERS.
Houses, Shops, Yards, and Gardens	Thomas Hull	Thomas Watts and others.
Ditto	William Wadworth	John Hiscock and others.
The Leg of Mutton Public House, Yard, Garden, &c.	Messrs. Gent and Tylees	Robert Greenland
House, Shop, and Garden	Mayor and Burgesses of Devizes and John Eden, their Lessee	John Eden.
Houses, Yard, and Gardens	Mayor and Burgesses of Devizes and William Eden, their Lessee	John Coombes, Thomas Eden, John Bennett, and Michael Fishlock.
Ditto	Mayor and Burgesses of Devizes and Benoni White, jun., their Lessee	Benoni White, jun. John Mullins, John Milsom, Gabriel Holloway, William Harraway, and John Francis, and others.
<i>Long Street.</i>		
Houses, Yards, and Garden	William Read	John Young, John Gibbs, and Mrs. Jordan.
Ditto	Devises of — Matthews	John Neate and his Undertenants.
<i>Long Street and St. John's Street.</i>		
Houses and Shops	Joseph Needham Tayler, Esq. or Representatives of Samuel Tayler, Esq.	Stephen Barrett, Mary Gibson, and the Widow Smith.
<i>Wine Street.</i>		
House and Shop	George Benger (Part held under the Mayor and Burgesses of Devizes)	Robert Lavington.
Ditto	The Mayor and Burgesses of Devizes, and Wadham Locke, Esq. their Lessee	William Skakespeare.

Description of Property.	OWNERS.	OCCUPIERS.
<i>Between Long Street and Sheep Street.</i>		
Garden - -	Reverend Charles Lucas, Clerk	John Neate.
Houses and Gar- dens - - }	William Dowse - -	Himself and Te- nants.
Garden - -	Benoni White, sen ^r . - -	Benoni White, jun ^r .
Houses and Gar- dens - - }	John Ball - -	Himself and Te- nants.
<i>Near St. Mary Port Street.</i>		
Buildings and Gar- den - - }	The Mayor and Burgesses of Devizes (as Trustees for the old Almshouse), and the Executors of ——— Whit- field, their Lessee - -	Jacob Clark.
<i>Saint Mary Port Street.</i>		
Houses and Shops }	The Mayor and Burgesses of Devizes (as Trustees for the old Almshouse), and William Read, their Lessee - -	Himself and Te- nants.
House - - }	The Mayor and Burgesses of Devizes (as Trustees for the old Almshouse), and the Exe- cutors or Trustees of ——— Whitfield, their Lessees - -	James Bowman.
House and Shop }	Feoffees of St. Mary's Parish, and Benoni White, sen. their Lessee }	James Bowman.
Houses and Shops }	The Mayor and Burgesses of Devizes, and Stephen Bell, their Lessee - -	Himself and Te- nants.
<i>Mondays Market Street.</i>		
The White Bear Public House - }	The Feoffees of Saint Mary's Parish, and Messrs. Gent and Tylees, their Lessees - -	Stephen Watson.
Houses, Shops, and Gardens - - }	Thomas Brinkworth - -	Himself and Te- nant.

Description of Property.	OWNERS.	OCCUPIERS.
House, Yard, and Garden - }	William Neate - -	Himself.
Houses, Yard, and Gardens - }	Trustees and Executors of Whitfield - -	Susan Lewis, James Tayler, and Eight others.
Ditto -	Devisees of John Smart -	Samuel Burden, and Five others.
House, Buildings, Yards, and Garden - - }	Samuel Smart - -	John Feltham.
Houses and Gardens - - }	Thomas Kite - -	George Warren and Joseph Sainsbury.
Houses, Yard, Stables, and Buildings - }	The Feoffees of St. Mary's Parish, and Mark Burton, their Lessee - -	Himself and Tenants.
Houses, Yard, and Gardens - }	Devisees of William Hunt Grubbe, Esq. and Stephen and Joseph Bell, their Lessees - -	Thomas Bryant, William Thring, Joseph Bell, and others.
Buildings and Offices - - }	Devisees of W. H. Grubbe, Esq. and William Dowse, their Lessee - -	George Dallimore.
Workshops, Garden, and Buildings - - }	Devisees of W. H. Grubbe, Esq. and Robert Reynolds, their Lessee - -	Himself.
House, Yard, Buildings, and Garden - }	Devisees of W. H. Grubbe, Esq. and Thomas Hull, their Lessee - -	Himself and Tenants.
Houses, Shops, Buildings, and Gardens - }	George Dyke - -	Thomas Bowering and others.
<i>St. John's Street.</i>		
The Black Horse Inn, Yard, and Stables - }	John Neate - -	James Randell.
House and Offices {	The Mayor and Burgesses of Devizes, and John Holloway, their Lessee - -	Mrs. Mayo.

Description of Property.	OWNERS.	OCCUPIERS.
<i>Sheep Street.</i>		
The Angel Public House, Yard, and Buildings, and Garden, and the Houses and Gardens adjoining -	The Mayor and Burgesses of Devizes, and Messrs. Gent and Tylees, their Lessees -	John Rutter, George Plank, James Smart, and others.
Houses, Yard, and Gardens -	James Herring -	Richard Hill, Anthony Self, and others.
House and Garden -	Mayor and Burgesses of Devizes, and William Everett, their Lessee -	Joseph Glass.
House, Yard, Buildings, and Garden -	Mrs. Jordan -	George North.
Houses and Gardens -	William Ellen -	James Arter, Thomas Bartlett, and John Smith.
House and Garden -	Mrs. Mary Jefferys -	Herself.
Houses and Gardens -	The Mayor and Burgesses of Devizes, and James Gent, Esq. their Lessee -	Charles Greenland and others.
Ditto -	Thomas Mullens -	Himself and George Francis.
House and Garden -	George Scott -	William West.
Ditto -	Richard Scott -	William Francis.
<i>The Tything of Week, in the Parish of Bishops Cannings, near to and adjoining Chapel Corner Street.</i>		
House and Garden -	Thomas Pike -	Thomas Topp.
House and Garden -	Elizabeth Marshman -	Robert Marshman.
Ditto -	Samuel Marshman -	Himself.
Houses, Yard, and Gardens -	Benoni White, senior -	Himself and Tenants.
The Rose Public House, Yard, and Garden -	James Gent, Esq. -	James Bailey.

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Description of Property.	OWNERS.	OCCUPIERS.
Houses, Buildings, and Gardens - {	The Feoffees of St. Mary's Parish, and Mrs. Elizabeth Eden, their Lessee - - - }	Herself, Daniel Pontin, and others.
Ditto - {	The Feoffees of St. Mary's Parish, and Thomas Skeate, their Lessee - - - }	Timothy Derham, Sarah Harris, and Alice Coombs.
Houses, Buildings, Yards, and Gar- dens - - }	The Feoffees of St. Mary's Parish, and Elizabeth Cummings, their Lessee - - - }	Esau Neate, Abraham Hum- phries, Charles Logden, Samuel Trueman, Hannah Cozens, Daniel Pontin, William Ellen, Henry Channon, and — Pepler.

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