ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

****

Cap. l.

An Act for better paving, draining, lighting, cleansing, supplying with Water, regulating in regard to Markets, Interments, Hackney Carriages, and other Purposes, and otherwise improving the Borough of *Cheltenham* in the County of *Gloucester*. [28th *May* 1852.]

WHEREAS an Act was passed in the Session of Parliament held in the First and Second Years of the Reign of King *George* the Fourth, intituled *An Act for better paving,* 1 & 2 G. 4.
lighting, cleansing, watching, and improving the Town of Cheltenham c. 121.
in the County of Gloucester, *and for regulating the Police thereof, and for removing and preventing Nuisances and Annoyances therein:* And whereas the Powers and Provisions of the said recited Act have been found insufficient for the Purposes thereby intended to be effected, and it is expedient that the same should be repealed, and that more effectual Powers should be granted in lieu thereof, and that Provisions should also be made for regulating Markets and Fairs, and Interments, and otherwise for the Improvement of the Borough of *Cheltenham:* And whereas such Objects cannot be effected

without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows:

Recited Act 1 & 2 G.4. c.121. repealed.

All Books kept under 26G.3.c.116., 46G.3.c.117., and 1 & 2 G.4. c.121. to be still Evidence.

I. That from and after the passing of this Act the said recited Act of the First and Second Year of the Reign of His said late Majesty King *George* the Fourth shall be and the same is hereby repealed: Provided always, that all Books of the Commissioners for executing a certain Act of Parliament passed in the Twenty-sixth Year of the Reign of King *George* the Third, intituled *An Act for paving the Footways and Passages in the Town of* Cheltenham *in the County of* Gloucester, *and for better cleansing and lighting the said Town, for taking down certain old Buildings now standing therein, and for removing and preventing other Encroachments, Nuisances, and Annoyances*, and an Act passed in the Forty-sixth Year of the same Reign, intituled *An Act for amending and enlarging the Powers of an Act passed in the Twenty-sixth Year of His present Majesty, for paving the Footways and Passages in the Town of* Cheltenham *in the County of* Gloucester, *and for better cleansing and lighting the said Town, and for removing and preventing Nuisances and Annoyances therein*, and the said recited Act hereby repealed, or either of them, and all Entries therein made, according to the Directions or Provisions of the said Acts or either of them, and made Evidence thereby, shall and may be given and admitted in Evidence in all Courts, and by all Judges, Justices, and others; and that all Persons from or by whom any Rates or any Arrears of Rates laid or assessed by virtue of the said recited Act hereby repealed are due or unpaid at the Time of passing this Act shall be liable to the Payment thereof to the Commissioners for executing this Act, and such Rates may be recovered from such Persons in the same Manner as the Rates by this Act granted may be recovered by virtue of this Act; and that each and every Treasurer, Clerk, Collector, or other Person in whose Custody or Control any Money received or collected under the said recited Act hereby repealed, or any Books, Papers, Documents, Materials, or Things of the Commissioners acting thereunder, are at the Time of passing this Act, shall be liable to pay, deliver up, and account for the same to the Commissioners for executing this Act, as if such Money or Property had come to his Hands by virtue of this Act; and that all Contracts, Stipulations, or Agreements, Mortgages and Charges, given or entered into by the Commissioners acting under the said recited Act hereby repealed, with any Person or Persons whomsoever, or by any Person or Persons with such Commissioners, shall, notwithstanding the Repeal of the said Act, subsist and continue for such Term or Terms and in such Manner

Arrears of Rates to be paid.

Collectors, &c. to account for and deliver over Property to Commissioners under this Act.

Existing Contracts to subsist,

Manner as the same would have subsisted and continued in case the said recited Act had not been repealed; and that the Repeal of the said recited Act shall not extend to prevent the suing for or Recovery of any Penalty incurred in respect of any Offence committed against the Provisions of the said Act so repealed previously to the passing of this Act, or to prevent or defeat any Prosecution commenced or which might have been brought for any such Offence, but all Penalties which shall have been incurred before the passing of this Act under the Provisions of the said hereby repealed Act may be sued for and recovered under the Provisions of this Act, and all Offences committed before the passing of this Act against the Provisions of the said hereby repealed Act may be prosecuted under the Provisions of this Act; and all Byelaws, Rules, or Orders made under or by virtue of the said hereby repealed Act for the Regulation of Hackney, Fly, and other Carriages, Pony or Donkey Carts or Gigs, Sedan and Wheel Chairs and Fly Carriages drawn by Men, and now in force, shall continue in force for the Space of One Year after the passing of this Act, or until other Byelaws are sooner made, and shall come in force in the above Behalf under the Powers of this Act.

and Penalties incurred recoverable under this Act.

Byelaws for Hackney Carriages to continue for One Year or till others made.

II. That in this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretation of Terms.

Words importing Individuals shall include Corporations:

"Borough" or "Parish" shall mean the Borough and Parish of *Cheltenham*:

"Commissioners" shall mean the Commissioners under this Act:

"Justice or Justices" shall mean Justice or Justices of the Peace for the County of *Gloucester*, and "Two Justices" shall mean Two or more Justices met and acting together:

"Occupier" shall not include a Lodger, or Person in the Occupation as Tenant of a furnished House, but shall include the Person by whom such furnished House is so let:

"Owner" shall mean the Person for the Time being receiving the Rackrent of the Lands and Premises in connexion with which the said Word is used, whether on his own Account or as a Mortgagee or Incumbrancer in possession, or as Trustee for any other Person, or who would so receive the same if such Lands or Premises were let at Rackrent:

To "pave" shall include the making or forming of a hard Surface to a Roadway, or generally repairing the same by broken Stone or other Material, as well as pitching:

"Quarter Sessions" shall mean the Quarter Sessions of the County of *Gloucester*:

"Arbitrators," "Drain," "Lands," "Month," "Premises," "Rack-rent," "Sewer," "Slaughter-house," "Street," "Superior Court," "Waterworks Company," and "Waterworks" shall have the several Meanings assigned to them in the Public Health Act, 1848; and the Words "Sewers and Drains," when used with reference to Streets, shall include Gutters and Channels running in or through the Streets; and the Word "Street" shall include a Turnpike Road, notwithstanding anything in the said Public Health Act to the contrary:

And when any Distance from or around the Borough of *Cheltenham* is referred to in this Act, the same shall be measured in a direct Line from *Cheltenham* Parish Church:

And where any Act or Thing is by this Act required to be done or performed on any certain Day of the Month, and the same shall happen to fall on a *Sunday*, or any Day appointed for Public Fast or Thanksgiving, then such Act or Thing shall be done or performed on the following Day, or if that Day should also happen to fall on *Sunday* or a Public Fast or Thanksgiving Day, then on the Day following it.

11 & 12 Vict. c. 63., 12 & 13 Vict. c. 94., 10 & 11 Vict. cc. 16. 34. 89. & 65. incorporated with this Act.

III. That the several Provisions of "The Public Health Act, 1848," and "Public Health Supplemental Act, 1849," "The Commissioners Clauses Act, 1847," "The Towns Improvement Clauses Act, 1847," "The Town Police Clauses Act, 1847," and "The Cemeteries Clauses Act, 1847," herein-after particularized under the Subjects to which they respectively relate, shall be incorporated with this Act as Part thereof, subject to the several Modifications in extension, limitation, or explanation of such Provisions hereunder mentioned in connexion therewith, and the Words herein used as introductory to Enactments, Clauses, and Provisions shall not be construed to restrain the same;

And by the Words "Local Board of Health" or "Local Board" used in the said Provisions incorporated from the Public Health Acts shall be understood the Commissioners under this Act;

And by the Words "District" or "Non-corporate District," therein used, shall be understood the Borough of *Cheltenham*;

And by any Terms denoting the Public Health Act, 1848, or the Application of that Act, therein used, shall be understood this Act or the passing of this Act;

And in the Provisions incorporated from "The Commissioners Clauses Act, 1847," "The Town Improvement Clauses Act, 1847," "The Town Police Clauses Act, 1847," and "The Cemeteries Clauses Act, 1847," the Words "the Special Act" or "this Act" there used shall mean this Act, and the Words "Limits of the Special Act" shall mean the Borough of *Cheltenham*; and in the said Cemeteries Clauses Act the Word "Company" shall mean "Commissioners" under this Act.

IV. That

Short Title of Act.

IV. That in citing this Act in other Acts of Parliament, and in legal or other Proceedings or Instruments, it shall be sufficient to use the Expression "The *Cheltenham* Improvement Act, 1852."

Limits of the Act.

V. That this Act shall apply to and be in force within and throughout the entire Area comprised within the Boundaries of the Borough and Parish of *Cheltenham* in the County of *Gloucester*.

Number of Commissioners, their Style.

VI. That the Number of Persons for executing this Act shall be Thirty, and they shall be called "The *Cheltenham* Improvement Commissioners," and such Commissioners shall be qualified as hereinafter mentioned; and the Persons named in the Schedule (A.) to this Act annexed shall be the First Body of Commissioners, and shall go out of Office in manner herein-after mentioned, and in their Stead the future Commissioners for executing this Act shall be elected in manner herein-after also mentioned.

Division into Wards, and Number of Commissioners for each Ward.

VII. That for the Purpose of the Representation by Commissioners under this Act, the Borough shall be divided into Five Wards; namely, East Ward, North Ward, West Ward, Middle Ward, and South Ward, severally described in the Schedule (A.) to this Act annexed; and each of the said Wards shall be considered as a separate Election District, and the First Body of Commissioners shall represent the Wards under which their Names are respectively set in the said Schedule, and of the future Commissioners Six shall be elected for each Ward.

Rotation of Commissioners.

And with respect to the Rotation of the Commissioners, be it enacted,

Sections 17, 18, 19, & 20 of 10 & 11 Vict. c. 16. incorporated with this Act.

VIII. That the following Sections of the Commissioners Clauses Act, 1847, shall be incorporated with this Act:

The Section numbered 17 of the said Act:

And the Time of first going out of Office shall be the Twentieth Day of *November* One thousand eight hundred and fifty-three, and the Day of subsequent going out of Office shall be the Twentieth Day of *November* in each Year:

Also the Section numbered 18 of the said Act:

Also the Section numbered 19 of the said Act:

Also the Section numbered 20 of the said Act.

Election of Commissioners.

And with respect to the Election of Commissioners, be it enacted,

Owners and Occupiers constituted Electors.

IX. That at every Election of Commissioners the Persons rated under this Act to the Borough Rate as the Occupiers of Premises in the Borough, and the Persons named in such Rate as the Owners of such Premises, shall be entitled to vote:

As to Occupiers Qualification to vote.

Provided always, That no Person rated as Occupier shall be entitled to vote as such at the First Election, unless he has been rated as Occupier to the Borough Rate for the Period from the Commencement of such Rate being made to the Tenth Day of *November* One thousand eight hundred and fifty-three, nor at any subsequent annual Election unless he has been rated to the Borough Rate for the Period of One whole Year immediately preceding the Sixth Day of *November* in each Year, and have paid all Borough Rates made upon him for the respective Periods aforesaid, except such as have been made or become due within the Six Months immediately preceding the Sixth Day of *November* yearly; nevertheless the Premises in respect of the Occupation of which any Person has been so rated need not be the same Premises or in the same Ward, but may be different Premises in the Borough:

Paupers not to vote.

Provided also, That no Person shall be entitled to vote as Occupier or Owner in any One Year who within Twelve Calendar Months next preceding the Sixth Day of *November* in such Year shall have received Relief from any Parish or Union:

Occupiers to vote if Rates paid by them or by Owners.

Notwithstanding the charging of Owners under this Act with Rates in respect of any Premises, such rating or charging shall not in any Manner affect or prejudice the Right of Persons to vote as Occupiers of such Premises under this Act, provided that such Owners or Occupiers have paid the Amount of Rate payable in respect of the Premises for which such Occupiers shall claim to vote.

Sections 21, 22, 23, & 24 of 10 & 11 Vict. c. 16. incorporated with this Act.

X. That the following Sections of the Commissioners Clauses Act, 1847, shall be incorporated with this Act:

The Section numbered 21 of the said Act:

And the Day of the First Election shall be the Twentieth Day of *November* One thousand eight hundred and fifty-three, and the Day of subsequent Election shall be the Twentieth Day of *November* in each succeeding Year:

Also the Section numbered 22 of the said Act:

Also the Section numbered 23 of the said Act:

Also the Section numbered 24 of the said Act:

As to joint rating and Ownership.

Where Two or more Persons are jointly rated as Occupiers, or named in the Rate as Owners of Premises in respect of which One Vote only is given, the Occupier or Owner first named in the Rate Book shall give such single Vote; and so when the Number of joint Occupiers or Owners so rated or named in the Rate is greater than the Number of Votes given, such Number of such Occupiers or Owners as is equal to the Number of Votes given shall give each One Vote in the Order their Names stand in the Rate Book; and where the Number of Votes is equal to the Number of such Persons, they shall all vote single; and where the Number of Votes given exceeds the

Number of such Persons, they shall all have One Vote, and the Person first named in the Rate Book shall have the remaining Vote or Votes:

Any Person who is Owner and also *bonâ fide* Occupier of the same Premises shall be entitled to vote in respect both of such Ownership and of such Occupation. Compound Vote, Owner and Occupier.

XI. That no Person entitled to vote shall give in the whole of the Wards a greater Number of Votes than he would have been entitled to have given if the Borough had not been divided into Wards, nor in any One Ward a greater Number of Votes than he is entitled to in respect of Premises in that Ward; and unless such Person should by Notice in Writing delivered to the Commissioners Clerk in each Year Fourteen Days at least before the Day of Election elect in what Ward or Wards he will vote for the ensuing Year, and determine the Proportion of Votes which he will give in any One or more of such Wards, he shall be entitled to vote only in One Ward. Case of Electors having Property in several Wards.

XII. That the following Sections of the Commissioners Clauses Act, 1847, shall be incorporated with this Act: Sections 26 to 35 of 10 & 11 Vict. c. 16. incorporated with this Act.

The Section numbered 26 of the said Act:

Also the Section numbered 27 of the said Act:

Also the Section numbered 28 of the said Act:

Provided always, that the presiding Officer may vary the Form of the First of the Questions contained in the said Section so as to suit the Case of a Change in the Occupation of Premises by the Voter: Variation of Question to suit Change of Occupation.

Provided also, that if in answer to the Question put to any Voter at the Election whether he has already voted at such Election for Commissioners to be elected in any Ward, he shall say he has so voted in some Ward, he may be asked to name the Ward or Wards in which he has voted, and the Number of Votes he has given in such Ward or respective Wards: And voting in several Wards.

Provided also, that every Female entitled to vote as Owner or Occupier under this Act shall be at liberty to vote by Proxy, and every Male Person entitled to vote as Owner shall also be at liberty to vote as Owner as aforesaid by Proxy: Provided that in either Case the Proxy shall be appointed by Writing, and the Writing shall be signed within Ten Days next before the Day of Election, and the Owner or Occupier shall make a solemn Declaration before a Justice of the Peace of the Jurisdiction wherein he or she may be, stating the Day of the Execution of such Appointment of Proxy; and the Commissioners shall furnish to any Person entitled to vote applying to them in Person, by Letter, or by Agent for the same, Forms of such Appointment of Proxy and Declaration by the Appointer to the Effect contained in Schedule B. No. 2. and No. 3. hereunto annexed, on Payment Female Owners and Occupiers and Male Owners may vote by Proxy.

ment of One Shilling for each Set of such Forms besides the Stamp; and no Appointment of Proxy or Declaration made in any other than the Papers so furnished by the Commissioners shall be received at any such Election; and every Person who shall falsely or corruptly make and subscribe the said Declaration, knowing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor:

Corporations and Companies to vote by Proxy.

Provided also, that every Corporation, Joint Stock or other Company or Body of Proprietors or Undertakers, shall be deemed to be but One Occupier or One Owner for the Purpose of voting under this Act, and shall vote by Proxy appointed in Writing under their Common Seal (in case of a Corporation), or (in any other Case) under the Hands of Three Directors or other Persons in the Direction or Management of the Company or Concern; and no Member of such Corporation, nor any Proprietor or Person interested in such Company or Concern, shall be entitled to vote individually as Occupier or Owner in respect of such Premises:

Appointment of Proxy to be exhibited to the Returning Officer.

In every Case of voting by Proxy the Appointment of Proxy, and in the Case where a solemn Declaration is herein-before required, together with such Declaration, shall be exhibited to the Returning Officer at the Time of Election; and instead of the Questions herein-before prescribed the following Questions may be put to such Proxy on voting; that is to say,

Questions to be put.

1. Is the Party for whom your Name is signed as Proxy assessed as *C. D.* on the Borough Rate in respect of Property described to be situate, *&c.* [*here specify the Street, &c. as described in the Rate.*] [*Or if the Voter claim to vote as Proxy for an Owner of Property*] Is the Party for whom your Name is signed as Proxy the Party described as *C. D.*, Owner of Property mentioned in the Borough Rate, and described as being situate in [*here describe the Street, &c. as described in the Rate.*]

And this Question may be varied to meet the Case of Change of Occupation as aforesaid:

2. Have you already voted as Proxy for [ ] for Commissioners to be elected for this or any other Ward at the present Election [*and if the Proxy say he has so voted in some Ward, he may be asked to name the Ward or Wards in which he has so voted, and the Number of Votes he has given in such Ward or respective Wards as such Proxy*]:

False Answers a Misdemeanor.

And no Person required to answer any of the said Questions shall be permitted or qualified to vote until he has answered the same; and if any Person wilfully make a false Answer to any of the Questions aforesaid he shall be deemed guilty of a Misdemeanor, and may be indicted and punished accordingly:

Also the Section numbered 29 of the said Act:

Also the Section numbered 30 of the said Act:

Also the Section numbered 31 of the said Act:

Also

Also the Section numbered 32 of the said Act:
Also the Section numbered 33 of the said Act:
Also the Section numbered 34 of the said Act:
Also the Section numbered 35 of the said Act.

XIII. That if any presiding Officer shall neglect or refuse to comply with any of the Provisions of this Act in respect to such Election, he shall be liable to a Penalty of Fifty Pounds, recoverable by any Person, with Costs of Suit, by Action of Debt in any competent Court; and any Person employed by or under the presiding Officer who shall be guilty of any such Neglect or Refusal shall be liable for every such Offence to a Penalty not exceeding Three Pounds:

Penalty upon Officers misconducting Elections.

And if any Elector or other Person wilfully, fraudulently, and with Intent to affect the Result of the Election, fills up, or signs, or delivers in at the Election, or in any way falsifies any Voting Paper, contrary to the Provisions of this Act, or obstructs or prevents any Voter from voting, or obstructs or prevents the Persons taking or assisting in taking the Votes, he shall for every such Offence forfeit the Sum of Twenty Pounds, recoverable by any Person by Action of Debt in any competent Court, with full Costs of Suit.

Penalty for falsifying Voting Paper.

Commissioners Qualification, &c.

And with respect to the Qualification, Disqualification, and Declaration of Commissioners, be it enacted,

What necessary to render Persons eligible to the Office of Commissioner.

XIV. That every Male Person of full Age, having his usual Place of Residence in the Borough or within Five Miles thereof, and either being in his own Right or in Right of his Wife seised or possessed of Real or Personal Estate, or both, to the Value or Amount of One thousand Pounds over and above what will pay all his Debts, or being rated to the Relief of the Poor of the Parish upon a net annual Value of Forty Pounds or upwards, and not being an uncertificated Bankrupt or undischarged insolvent Debtor, shall be qualified to be elected a Commissioner under this Act, and no other Person shall be eligible to that Office.

Sections 6, 7, 9, 10, 12, 13, 14, 15, & 16 of 10 & 11 Vict. c. 16. incorporated with this Act.

XV. That the following Sections of the Commissioners Clauses Act, 1847, shall be incorporated with this Act:

The Section numbered 6 of the said Act:

And if Two or more Persons be jointly seised or possessed of Real or Personal Estate, or both, of such Value or Amount as would, if equally divided between them or among them, qualify each to be elected, each of the Persons so jointly seised or possessed may be elected:

Also the Section numbered 7 of the same Act:
Also the Section numbered 9 of the same Act:

Also the Section numbered 10 of the same Act:
Also the Section numbered 12 of the same Act:
Also the Section numbered 13 of the same Act:
Also the Section numbered 14 of the same Act:
Also the Section numbered 15 of the same Act:
Also the Section numbered 16 of the same Act.

Meetings of Commissioners.

And with respect to the Meetings of the Commissioners, be it enacted,

First Meeting.

XVI. That the Commissioners shall hold their First Meeting at the Public Office in *Cheltenham* on the Second *Monday* after the passing of this Act, at the Hour of Eleven o'Clock in the Forenoon.

Sections 37 to 45 and Sections 47 and 48 of 10 & 11 Vict. c. 16. incorporated with this Act.

XVII. That the following Sections of the "Commissioners Clauses Act, 1847," shall be incorporated with this Act:

The Section numbered 37 in the said Act:

And the Commissioners shall also elect from their Body a Vice-Chairman to preside in the Absence of the Chairman, and may from Time to Time fill up any Vacancy in the Office of Vice-Chairman:

Also the Section numbered 38 in the same Act:
Also the Section numbered 39 in the same Act:
Also the Section numbered 40 in the same Act:

And the First Annual Meeting of the Commissioners shall be held on the Twenty-seventh Day of *November* One thousand eight hundred and fifty-two, and subsequent Annual Meetings on the Twenty-seventh Day of *November* yearly; and at every Annual and Monthly Meeting of the Commissioners any Ratepayers or Owners of Property may be present, but they shall not take part in the Business of such Meetings; and any Ratepayer or Owner present at any Meeting who, in the Judgment of the major Part of the Commissioners then present, and voting on the Question, misbehaves himself, may be summarily removed by the verbal Order of the Chairman of such Meeting; and the Commissioners shall from Time to Time make Byelaws with respect to the Summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business by the Commissioners under this Act:

Also the Section numbered 41 in the said Act:
Also the Section numbered 42 in the said Act:
And by the Words "inferior Officers" in the said Section shall be understood Officers other than the Clerk, Surveyor, Treasurer, Officer of Health, and Inspector of Nuisances; which said excepted Officers shall be appointed and removed at Special Meetings of the Commissioners:
Also the Section numbered 43 in the said Act:

And

And the Section numbered 44 in the said Act:

And the Section numbered 45 in the said Act:

And in case of Emergency Special Meetings of the Commissioners may be held upon One Day's Notice, but the Resolutions of every such Meeting on Emergency shall depend for their Validity on the Confirmation of a subsequent regular Meeting:

Also the Section numbered 47 in the said Act:

Also the Section numbered 48 in the said Act.

General Proceedings.

And with respect to the general Proceedings of the Commissioners, be it enacted,

Sections 49 to 55 of 10 & 11 Vict. c. 16. incorporated with this Act.

XVIII. That the following Sections of the "Commissioners Clauses Act, 1847," shall be incorporated with this Act:

The Section numbered 49 in the said Act:

Also the Section numbered 50 in the said Act:

Limit to the Power of Committees.

But the Acts of every Committee appointed by the Commissioners shall be approved by the Commissioners before the same are deemed valid; and no such Acts shall extend to the Payment of or Engagement to pay Money, except to an Amount to be limited by Resolution of the Commissioners, and in no Case to exceed the Sum of Twenty Pounds: Provided always, that any Committee appointed for the Removal of Nuisances, or the Prevention of contagious or epidemic Diseases, may receive Notices and make Complaints under the "Nuisances Removal and Diseases Prevention Act, 1849," or any Public Act of Parliament passed or to be passed for the like Purpose, and may proceed upon such Notices or Complaints pursuant to the Powers of any such Act, without further Authority from the Commissioners than is conferred by the Appointment of such Committee:

Also the Section numbered 51 in the said Act:

Also the Section numbered 52 in the said Act:

And the said Section shall extend to cure Defects in Proceedings by reason of Informalities in the Appointment of any Person acting under the Authority of the Commissioners:

And the Section numbered 53 in the said Act:

And the said Section shall extend to enable the Commissioners to provide Yards and Buildings for keeping the Stores, Implements, and Materials of the Commissioners:

Also the Section numbered 54 in the said Act:

Also the Section numbered 55 in the said Act.

Book for Complaints.

XIX. That the Commissioners shall, at their Office, during all Days of Business, keep open a Book, in which shall be entered the reasonable Complaints made orally or by Letter by any Inhabitant or any Owner or Occupier of Premises within the Borough, of any Matter cognizable by the Commissioners; and the Surveyor or other proper

proper Officer of the Commissioners shall forthwith inquire into the Truth of all such Complaints, and report thereon to the Commissioners Clerk, and such Report shall be entered in the said Book, and a proper Reference be thereon made from the Complaint to the Report; and such Book shall be open, at all reasonable Times, to any Inhabitant or Owner or Occupier of Premises within the Borough.

Liabilities and Protection and legal Proceedings.

And with respect to the Liabilities and Protection of the Commissioners and their Officers, and legal Proceedings by and against them, be it enacted,

Sections 138, 139, 140, 148, and 150 of 11 & 12 Vict. c. 63. incorporated with this Act.

XX. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act:

The Section numbered 138 of the said Act:

Also the Section numbered 139 of the same Act:

Also the Section numbered 140 of the same Act:

Also so much of the Section numbered 148 of the same Act as relates to obstructing the Commissioners and their Officers, or Persons employed by them, or to defacing or injuring Boards of Byelaws:

Also so much of the Section numbered 150 of the same Act as relates to the Service of Notices and Proceedings on the Commissioners:

And the Notices required to be given to Commissioners individually shall be sufficiently given if directed to them by Name, and transmitted through the Post to their usual Place of Abode or Place of Business (if any) within the Borough.

Officers.

And with respect to the Appointment and Accountability of Officers of the Commissioners, be it enacted,

Sections 37 to 40 of 11 & 12 Vict. c. 63. incorporated with this Act.

XXI. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act:

The Section numbered 37 of the said Act:

Also the Section numbered 38 of the same Act:

Also the Section numbered 39 of the same Act:

And the Commissioners may accept the Security of any Guarantee Society for the Fidelity of any Officer:

Also the Section numbered 40 of the same Act.

Paviors, &c. may be appointed.

XXII. That the Commissioners may from Time to Time appoint such and so many Paviors, Artificers, Workmen, Labourers, Carters, and others, and also purchase or hire such Waggons, Carts, or other Carriages, Machinery, and Implements, as they judge necessary for carrying this Act into execution.

And

Contracts.

And with respect to the Contracts, Deeds, Notices, and Documents by and to the Commissioners, be it enacted,

Sections 85, 149, and 151 of 11 & 12 Vict. c. 63. incorporated with this Act.

XXIII. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act:

The Section numbered 85 of the said Act:

Provided always, that the Commissioners may undertake any Work without Estimate, Contract, or other Proceeding herein required, when from urgent Cause the Commissioners deem it necessary that the Delay occasioned by such Proceedings be avoided:

Every Contract, Deed, Bond, Security, or other Instrument in Writing required or authorized under this Act may be entered into or executed by the Commissioners, or given to or accepted by them, in and by their Name of the *Cheltenham* Improvement Commissioners, and, unless otherwise specially directed in this Act, shall be sufficiently authenticated if signed by any Two of the Commissioners acting by the Direction and on behalf of the Commissioners; and all Contracts to which the Commissioners are Parties, or in which they are interested, may be varied and discharged by them in the same Manner as they can be entered into:

Also the Section numbered 149 of the same Act:

And every Notice, Summons, Demand, Consent, Sanction, Approval, or Authority of or by the Commissioners under this Act, may be given or made on their Behalf by any of their Officers, and may and shall be sufficiently authenticated if signed by the Officer by whom the same is given or made, or by the Commissioners Clerk.

Also the Section numbered 151 of the same Act, as to Exemption from Stamp Duty, but the same shall apply only to Instruments and Writings executed or made exclusively under the Provisions herein incorporated from the said Public Health Acts.

Common Seal.

XXIV. That the Commissioners shall cause a Seal to be made for their Use in executing this Act, and Documents or Copies of Documents purporting to proceed from the Commissioners, and to be signed by any Two or more of them, and to be sealed or stamped with such Seal, shall be received as Evidence in all Courts and Places whatsoever.

Byelaws.

And with respect to the making of Byelaws, be it enacted,

Sections 115 and 116 of 11 & 12 Vict. c. 63., incorporated with this Act.

XXV. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act:

The Section numbered 115 of the said Act:

Provided also, that no such Byelaw shall be made unless the same shall have been proposed and formed at a Meeting of the Commissioners held at some Time not less than One Calendar Month before the

making of such Byelaw, and shall have been publicly made known, and Notice of the Day of Meeting for making the same shall have been given in some or One of the Newspapers published or circulated within the Borough, Three Weeks before the holding of the Meeting at which such Byelaw shall be finally made and agreed on:

Also the Section numbered 116 of the same Act:

And Copies of all Byelaws in force shall be hung up at the Magistrates Office and in the Market Place of *Cheltenham;* and a Copy of such Byelaws shall be given to every Officer and Servant of and Person licensed by the Commissioners affected thereby; and the Copies hereby required to be hung up of such Byelaws shall be renewed from Time to Time, when necessary, so that the same shall be always clear and legible.

Lands, Purchase of and Entry on.

And with respect to the Commissioners Purchase and taking of and Entry on Lands, and the Compensation to be paid by the Commissioners for Damage done by them in execution of the Powers of this Act, be it enacted,

Sections 84, 143, 144, and 71 of 11 & 12 Vict. c. 63. incorporated with this Act.

XXVI. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act:

The Section numbered 84 of the said Act:

Also the Section numbered 143 of the same Act:

Also the Section numbered 144 of the same Act:

Also the Section numbered 71 of the same Act:

As to Alteration of Sewers.

And this Section shall extend to authorize the Commissioners to require the Alteration and to alter the Line, Level, or Situation of any of the Drains or Sewers saved from vesting in the Commissioners under this Act: Provided always, that no such Alteration shall be required or made as would permanently prevent the Sewage from flowing as freely and conveniently as usual in and along any such Drain or Sewer; and that during the Progress of the Works of such Alteration adequate Means shall be provided by the Commissioners for the Discharge or Passage of Sewage in lieu of the Drain or Sewer so altered.

Depositing Materials.

XXVII. That during the Time any Street is new paving, flagging, or repairing, or any Sewers or Drains or Pipes therein are under Construction, placing, or Reparation, the Commissioners may order the Materials necessary for such Purposes to be lodged in that or any adjoining Street, according to their Discretion, and may also stop the Way through that or any adjacent Street so long as they judge necessary.

Power to Commissioners to

XXVIII. That the Commissioners are empowered to take and use, for the Purpose of making and constructing the Tanks and Works connected

connected therewith, and Sewers especially authorized to be made by this Act, all or any of the Lands described in the Plans and Book of Reference as to such Works deposited with the Clerk of the Peace for the County of *Gloucester*, or any Easement or Right therein, with or without the Consent of the Owners and Occupiers thereof; and the Commissioners shall make to the Owners and Occupiers of and all other Persons interested in such Lands, when taken or used, full Compensation for the Value of the Land, Easement, or Right taken, and for all Damage sustained by such Owners and Occupiers or other Persons by reason of the Exercise by the Commissioners of this Power; and as to such Lands, Easements, and Rights, the Provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase and taking of Lands otherwise than by Agreement, shall be incorporated with this Act, as well as those Provisions of the said Act already herein incorporated by Reference to Section 84 of "The Public Health Act, 1848:" Provided always, that no more than Two Acres and a Half of Land shall at any Time be taken for the Tank at the *Moor's Farm* herein-after mentioned, and the Works connected therewith, exclusive of the Road to be made therefrom to the *Arle* Highway.

Power to take and use Lands described in Plans, &c. for constructing Works, &c.

XXIX. That if any Omission, Mis-statement, or wrong Description be made of any Lands, or of the Owners, Lessees, and Occupiers of any Lands described on the Plans or Books of Reference so deposited as aforesaid, it shall be lawful for the Commissioners, after giving Ten Days Notice to the Owners and Occupiers of the Land affected by such proposed Correction, to apply to Two Justices for the Correction thereof; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace for the County of *Gloucester*, and shall be kept by such Clerk of the Peace with the other Documents to which it relates, and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Commissioners to make the Works according to such Certificate.

Errors or Omissions in Plans may be corrected by Justices, who shall certify the same.

Certificate to be deposited.

XXX. That it shall be lawful for the Commissioners to deviate from the Levels of such Works respectively as shown on the said deposited Plans and Sections to the Extent of Five Feet only, and no more, unless with the previous Consent in Writing of the Owners and Occupiers of the Land in which such Deviation is to be made; and it shall be lawful for the Commissioners to deviate from the Lines of such Works as delineated on the said Plans to the Extent shown thereon,

Power to deviate from the Line and Levels shown on Plan and Sections.

thereon, and no more, unless with the previous Consent in Writing of the Owners and Occupiers of the Land into which such Deviation may extend, provided that the Works shall not by means of any such Deviation as herein-before authorized be made to extend unto the Lands of any Person, whether Owner, Lessee, or Occupier, whose Name is not mentioned in the Book of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeds from Mistake shall have been certified in the Manner provided for by this Act in Cases of unintentional Errors in the said Books of Reference.

Maps.

And with respect to the Maps or Plans of the Borough, and of the underground Works therein, and Works to be executed by virtue of this Act, be it enacted,

Section 41 of 11 & 12 Vict. c. 63. incorporated with this Act.

XXXI. That the Section numbered 41 of "The Public Health Act, 1848," shall be incorporated with this Act; and on the Map made under the said Section shall be marked as well the Course of the Commissioners Sewers and other Sewers, as of Water and Gas Pipes and other underground Works, so far as the same can be traced:

And the Commissioners may, if they think fit, cause such Map or Plan to be copied, engraved, and published:

And in the Survey may also be included any Places adjoining the Borough which the Commissioners may think necessary to include for the Purpose of exhibiting the Boundaries and Precincts thereof:

And the Commissioners may also cause Lines of equal Altitude to be marked on such Plan at proper Intervals, and may also cause proper Bench Marks for denoting the Levels to be inscribed and marked at convenient Distances and Places at the Corners of Streets, and on Posts, Houses, and other prominent Objects in the Borough:

And the Section numbered 42 of the same Act shall be incorporated with this Act.

Sewers.

And with respect to making and maintaining the Public Sewers, be it enacted,

Sections 43 and 44 of 11 & 12 Vict. c. 63. incorporated with this Act.

XXXII. The Section numbered 43 of "The Public Health Act, 1848," shall be incorporated with this Act:

And with regard to the Sewers excepted in that Section, the Commissioners shall nevertheless have Power to cause Sewers and Drains to open into and communicate with any of such Sewers, on paying the Owners thereof full gross annual or other

other Compensation, to be settled in case of Dispute by Arbitration, under this Act:

Also the Section numbered 44 of the same Act shall be incorporated with this Act:

Provision in case of Purchase of Sewers of the Cheltenham Sewers Company, 3 W. 4. c. xxi. (Local.)

And the said Section shall extend to the Purchase by the Commissioners of the Sewers, Works, Rights, Privileges, and Authorities vested in or belonging to the Company established by a Local Act passed in the Third Year of the Reign of King *William* the Fourth, intituled *An Act for the better Sewage, cleansing, and draining of the Town of* Cheltenham *in the County of* Gloucester, anything in the said Act contained to the contrary notwithstanding; and in case of any such Purchase being made, all Privileges, Rights, Powers, and Authorities to make Sewers under the said Local Act shall thereafter cease; and in case the said Company should be dissolved or cease to exist, all the Sewers and Works made by virtue of that Act shall thenceforth vest in the Commissioners for the Purposes of this Act.

Sections 45 to 48 of 11 & 12 Vict. c. 63. incorporated with this Act.

XXXIII. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act:

The Section numbered 45 of the said Act; and this Section shall extend to the Works of Reconstruction, Reparation, Discontinuance, Improvement, Diversion, or Alteration of Sewers or Drains by the Commissioners, as and when authorized by this Act, whether such Sewers or Drains may or may not be vested in the Commissioners or made or acquired by them under this Act:

Also the Section numbered 46 of the same Act; and this Section shall extend to the Maintenance and Reparation by the Commissioners of their Sewers, Tanks, and Works:

Also the Section numbered 47 of the same Act:

Also the Section numbered 48 of the same Act.

Power to Commissioners to construct the Works herein mentioned.

XXXIV. That for the Purpose of the Sewerage and Drainage of the Town the Commissioners shall make and construct the following Works; (that is to say,)

A Main Sewer commencing at or near a Point situate near the River *Chelt* adjoining the *Old Bath Road* in the said Parish, and terminating in the Reservoir or Tank first herein-after mentioned;

And also a Main Sewer commencing at or near a Point situate in the *Evesham Road* near the *Pittville Bridge* in the said Parish, and terminating in a Junction with the Main Sewer before described at or near a Point situate in a Field also in the said Parish on the North Side of the River *Chelt* near the *Lower Alstone Mill*, and in the Occupation of Mr. *John Davis*;

And also a Reservoir or Tank, Overflow Drain, and Works connected therewith, at or near the River *Chelt* on the North Side thereof in a Field near the *Moor's Farm* in the Parish of *Cheltenham*, in the Occupation of Mr. *John Yearsley*, for the Purpose of receiving the Sewage of the said Two Main Sewers;

And also a Main Sewer commencing at or near a Point situate in a Field on the South Side of *Hatherley Court* in the said Parish, and in the Occupation of *James Webster* Esquire, and terminating in the Reservoir or Tank next herein-after mentioned;

And also a Reservoir or Tank, Overflow Drain, and Works connected therewith, at or near the *Hatherley Brook* on the South Side thereof in a Field adjoining the *Bristol and Birmingham* Railway, and in the Occupation of Mr. *Hawkins*, for the Purpose of receiving the Sewage and Drainage now running in the said *Hatherley Brook*;

As delineated and shown in the Plan and Section which, together with a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands in, through, or upon which the same are intended to be made or executed, have been deposited with the Clerk of the Peace for the County of *Gloucester*.

Commissioners to construct Tanks, &c., and to keep in repair Works for Accommodation of Lands adjoining.

XXXV. That the Commissioners shall construct and place the said Tanks and Reservoirs, and make and for ever maintain and keep in repair Works for the Accommodation of the Lands adjoining the same Works, as herein-after mentioned; (that is to say,)

For the Tank at the *Moor's Farm* and the Works connected therewith (exclusive of the Road intended to be made therefrom to the *Arle* Highway), the Land shall be taken from the Field marked 4 on the said Plan in such Manner as to leave a Piece of Land not purchased in the said Field of at least Eighteen Feet on the East Side of the Land purchased, and another Piece of Land not purchased in the said Field of at least Two hundred and thirty Feet on the West Side of the Land purchased, and adjoining and running by the Side of the Brook to the Western Hedge of the said Field; nevertheless the Commissioners shall be at liberty to carry the Overflow Drain from the said Tank under the Surface of the said last-mentioned Part of the said Field; and the Land so taken shall be fenced from the adjoining Land on the North and West Sides with a Fourteen-Inch Brick Wall of the Height of Eight Feet above the Surface of the Ground, and on the other Sides by a like Wall or by a Quickset Hedge raised on a Mound Five Feet high; the Road from the Tank to the *Arle* High-

way

way shall be made on and along the Eastern Side or Extremity of the Field marked 2 on the said Plan, and shall not be more than Thirty Feet in Width between the Fences, and such Fences shall be a double Quickset Hedge on either Side thereof, the Proprietors and Occupiers of the Land Part of the *Moor's Farm* lying on either Side of the Tank Inclosure to have the Right of using at all Times and for all Purposes the said Road; the Commissioners shall put up and for ever maintain a substantial Gate and Posts at the Northern Extremity of the said Strip of Land of Eighteen Feet in Width, for the Use of the Owners and Occupiers of the said Farm:

In the *Hatherley Brook* Tank, and the Works connected therewith, the Land shall be taken from the Field marked 8 in the said Plan, in such Manner as to leave a Space not purchased of One hundred and thirty Feet adjoining and by the Side of the *Hatherley Brook* on the West Side of the Land taken; nevertheless the Commissioners shall be at liberty to carry the Overflow Drain from the Tank under the Surface of the last-mentioned Part of the said Field, such Overflow Drain to be carried on to the Arch or Culvert belonging to the Railway Company, the Land to be so taken to be fenced from the adjoining Parts of the said Field with a double Quickset Hedge; the Road from the said Tank to *Hatherley Lane* to be made of such Width as the Commissioners determine, such Road not to be fenced in whole or in part on either Side unless the Proprietor of the Land on One Side or both Sides of the said Road shall by Writing under his Hand require the Commissioners to fence the same; and if any Fence should be so required, the same shall be a double Quickset Hedge; and Gates shall be placed in such Fences on either Side, so as to give free Access for Cattle and Carriages across the said Road from One Part of the said Field to the other; and the Proprietor and Occupier for the Time being of the said Land on either Side of the said Road shall have the Use of the same Road at all Times and for all Purposes; the Quickset Hedges herein-before specified to be protected by Wooden Posts and Rails until the same be grown up:

The aforesaid Tanks to be covered Tanks, and no open Tank or Reservoir to be allowed at any Time; and the best and most effectual Means shall be taken by the Commissioners at all Times to prevent Nuisance and Annoyance to the adjoining Land belonging to the same Proprietors respectively, and the Owners and Occupiers thereof for the Time being; and the Soil taken out of the Tanks and placed upon the Land to be purchased to be removed therefrom from Time to Time by the Commissioners with all practicable Expedition.

XXXVI. That

Power to Commissioners to construct Branch Drains and new Outlets.

XXXVI. That the Commissioners shall make all proper Sewers and Drains to communicate with the said intended Main Sewers, and stop up the present Outlet of the Main Sewer of the *Cheltenham* Sewers Company, and any other Sewers or Drains which at present open or discharge their Contents into the said Brook or River *Chelt*, *Wyman's Brook*, and *Hatherley Brook*, or either of them, and shall divert the Course thereof, and make new Outlets thereto, so that the same shall open or discharge their Contents mediately or immediately into one or other of the said intended Main Sewers or Tanks as completely and effectually as they are now discharged into the said Brooks; and as well for the Purpose of the aforesaid Works as for making any Communication whatever at any Time or Times hereafter to the said intended Main Sewers, the Commissioners may lay or carry any Trunks, Syphons, or Pipes across, under, or over the said Brooks:

Provision for Protection of Cheltenham Sewers Company.

Provided, that if at any Time hereafter it shall appear that the Sewers and Works of the Commissioners hereby authorized are not sufficient to allow good and sufficient Outlets for the Drainage and Sewerage of the Main Sewer of the *Cheltenham* Sewers Company, then the Commissioners shall make and execute further and other Sewers, Drains, and Works, so as to allow the Main Sewer of the said Company to communicate with and discharge its Contents through the Main Sewers of the Commissioners, and effectually to carry off the Drainage and Sewerage from the Sewers of the said Company; and that during the Progress of such new or further Works adequate Means shall be provided by the Commissioners for the Discharge of the Sewerage of the Company at the Outlet of their Main Sewer; and if any Questions shall arise between the *Cheltenham* Sewers Company and the Commissioners as to the Sufficiency and Efficacy of the Works of the Commissioners for effecting the Purposes of Drainage and Sewerage as aforesaid, or as to the Construction of new or further Works for the Purpose, the Question shall be referred to Arbitration in the Manner provided by the Public Health Act, 1848, with respect to the Settlement of Disputes by Arbitration.

Penalty for sewering into Brooks after Sewers are constructed.

XXXVII. That if at any Time after a Main or other Sewer is made, instead of either of the said Brooks, any Person shall sewer or drain, or cause or permit to be sewered or drained, any Premises into any Part of such Brooks whereunto or along which such Main or other Sewer shall extend, or in any Manner pollute or contaminate the Waters of the same Part of such Brooks, he shall for every Day during which or any Part of which such sewering or draining, Pollution or Contamination continues, forfeit a Penalty not exceeding Forty Shillings:

Power for the Cheltenham Sewers Company to

And it shall be lawful for the *Cheltenham* Sewers Company established by the aforesaid Local Act of the Third Year of King *William* the Fourth to cause any of their present or future Main Sewers to open

open and discharge their Contents into any of the Main Sewers of the Commissioners made in lieu of the Brooks, and for that Purpose at all Times to make such Communications as may be proper and requisite, and from Time to Time to repair and amend the same, the said Sewers Company giving to the Commissioners Six Days Notice in Writing of their Intention to make or alter any such Communication, and describing in such Notice, or by some Plan annexed thereto, the Mode in which such Communication or Alteration is proposed to be made, and the said Company making the same to the Satisfaction of the Commissioners Surveyor, and the said Company also making good any Damage which may thereby be occasioned to any of the Sewers or Works of the Commissioners: Provided always, that no Communication or Alteration shall be required by the said Company which would prevent the Sewage from flowing as freely and conveniently as usual along the Sewers of the Commissioners.

Power to make Communications with the Sewers of the Commissioners.

XXXVIII. That it shall be lawful for the Commissioners from Time to Time to cleanse the said Brook or River *Chelt*, *Wyman's Brook*, and *Hatherley Brook*, and any other Brook, Rivulet, or Stream within the Borough or bounding the same; and the Commissioners may from Time to Time enter into and upon any Premises, in the Daytime, to do all necessary Acts for any of the Purposes aforesaid, so that the same be executed with all convenient Dispatch, and without injuring or endangering the Foundation or Wall of any Building now erected or to be hereafter lawfully erected adjoining or upon such Brook, Rivulet, or Stream; and the Commissioners may from Time to Time lay any Scourings or Refuse collected by them from the said Brooks, Rivulets, or Streams in or upon any adjoining Premises, for the Purpose of temporary Deposit, until the same can be conveniently removed.

Power to cleanse Brooks.

XXXIX. That if any Person shall lay or throw into any Sewer of the Commissioners any Cinders, Ashes, Bricks, Stone, Earth, or hard Rubbish, or shall lay or throw into any of the said Brooks any Ashes, Rubbish, Dust, Filth, or Annoyance whatsoever, he shall forfeit to the Commissioners a Sum not exceeding Forty Shillings for every such Offence.

Penalty on throwing Rubbish, &c. into Sewers or Brooks.

XL. That in case any private Sewer (meaning thereby any of the Sewers saved from vesting in the Commissioners, other than the Sewers of the *Cheltenham* Sewers Company,) requires to be cleansed, reconstructed, or repaired, the Commissioners shall cause a written Notice requiring the Proprietor of such Sewer (by Name or Description) to do the Works required within a Time to be fixed, and containing an Estimate of the Expense of executing such Works, to be advertised twice

Power to Commissioners to enforce the Repair of private Sewers.

twice consecutively in some Newspaper published and circulated in the Borough; and in case the Proprietor of such Sewer shall refuse or neglect to comply with such Notice, the Commissioners shall execute the required Works, and if the Expenses incurred by them in so doing be not forthwith repaid by the Proprietor of such Sewer, they shall be declared Private Improvement Expenses, to be defrayed by a Rate to be levied on the Owners and Occupiers of the Premises in the Street or Part of the Borough which the Commissioners deem benefited by the Works executed; and in case such Owners or Occupiers be liable to the Payment to the Proprietor of such Sewer of any Rentcharges for the Repair or Use and Repair of Sewers, they shall be entitled to deduct therefrom the Contribution following; that is to say, if such Rentcharges were reserved separately for the Repair or Use and Repair of Sewers, then the whole of such Rentcharges respectively may be deducted; if such Rentcharges were reserved for such Purpose jointly with some other Purpose, such as the Repair of private Roads, then One Half Part of such Rentcharges respectively may be deducted; and if such Rentcharges were reserved for such Purpose jointly with several other Purposes, such as the Repair of Roads and the Maintenance of Pleasure Grounds, then One Tenth Part of such Rentcharges respectively may be deducted, until such Owners or Occupiers be thereby repaid the Rate levied upon them for such Works as aforesaid: Provided always, that where any Ground Rent or Rentcharge originally reserved and made payable for the Repair or Use and Repair of a Sewer has been alienated, with the Consent of the Party liable to the Payment thereof, free and discharged from all Rights, Claims, and Demands for or in respect of such Repairs, the same shall not thereafter be subject to Deduction for any of the Purposes herein mentioned, anything to the contrary notwithstanding.

House Drains.

Sections 49 and 51 to 54 of 11 & 12 Vict. c. 63. incorporated with this Act.

And with respect to the Drainage of Houses, be it enacted,

XLI. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act:

The Section numbered 49 of the said Act:

Provided nevertheless, that no Person about to erect or rebuild any House who shall effectually drain such House into any of the Sewers excepted in Section 43 of "The Public Health Act, 1848," to the Satisfaction of the Commissioners Surveyor, shall be compelled to drain into any of their Sewers or any Sewer which they are entitled to use: Provided also, that if the Owner or Occupier of any House, whether built before or after the passing of this Act, which is without proper and effectual Drainage, shall effectually drain the same into any of the Sewers herein-before excepted, to the Satisfaction of the

Commissioners Surveyor, he shall not be compelled to drain into any of their Sewers or any Sewer which they are entitled to use:

Also the Section numbered 51 of the said Act:

Also the Section numbered 52 of the said Act:

Also the Section numbered 53 of the said Act:

Also the Section numbered 54 of the said Act.

XLII. That the Section numbered 46 of "The Towns Improvement Clauses Act, 1847," shall be incorporated with this Act; and the Words "such Drain, Privy, or Cesspool," and "such Sewer," therein used, shall apply to Drains, Privies, and Cesspools within the Limits of this Act. Section 46 of 10 & 11 Vict. c. 34 incorporated with this Act.

And with respect to paving, laying out, and maintaining Streets, be it enacted, *Streetpaving and Works.*

XLIII. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act: Sections 68 & 72 of 11 & 12 Vict. c. 63. incorporated with this Act.

The Section numbered 68 of the said Act; and the said Provision shall extend to vest Trees or Shrubs planted or growing in any Carriageway, Bridleway, or Footpath under the Management of the Commissioners, in the Commissioners, and to prohibit any Person from maliciously cutting down, pulling up, destroying, or damaging any such Tree or Shrub, under the Penalty for every Offence of a Sum not exceeding Five Pounds:

Also the Section numbered 72 of the said Act.

XLIV. That in case any present or future Street now being or which at any Time shall become a Highway be not well and properly drained, levelled, repaired, flagged, and channelled, to the Satisfaction of the Commissioners, they may, by Notice in Writing to the respective Owners or Occupiers of the Premises fronting, adjoining, or abutting upon such Parts thereof as may require to be drained, levelled, repaired, flagged, or channelled, require them to drain, level, repair, flag, or channel the same within a Time to be specified in such Notice; and if such Notice be not complied with, the Commissioners may, if they should think fit, execute the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be paid by the Owners in default, according to the Frontage of their respective Premises, and in such Proportion as shall be settled by the Surveyor, or, in case of Dispute, as shall be settled by Arbitration, having regard to the Circumstances of the Case, in the Manner provided by this Act; and such Expenses may be recovered from the last-mentioned Owners in a summary Manner, or the same may be directed by Order of the Commissioners to be Private Improvement Expenses, Power to compel repaving of Highways imperfectly paved.

Meaning of Word "Street" in this Section.

Expenses, and be recoverable accordingly: The Word "Street" in this Section shall be confined to Streets, Rows, Terraces, Squares, Parades, and such like Places bounded with Houses on One or both of the Sides thereof.

Commissioners not to interfere with Trees, &c. in certain Situations.

XLV. That the Commissioners, or any Surveyor or Officer appointed by them, shall not at any Time have Power to lop, fell, cut, take down, alter, or remove, or otherwise interfere with any Tree or Shrub, or any Hedge, Fence, or Gate, adjoining to or by the Side of any Carriage Road, Footpath, Plantation, or Garden in any of the following Places, namely, the *Promenade*, *Imperial Square*, *Vittoria Walk*, and the *Montpellier*, *Lansdown*, *Christchurch*, *Pittville*, *Bays Hill*, and *Lyppiatt's* Estates, or in *Charlton Park*, nor to remove or alter any Pier, Gate, or other Erection or Building at the respective Entrances thereto, nor to fell, cut, take down, or remove any ornamental Tree or Shrub by the Side of any Street within the Borough, unless such Tree or Shrub in either of the said Cases shall be, or such Hedge, Fence, or Gate shall be, an Obstruction to Passsengers or Carriages passing along a Highway, nor until the Owner thereof, or his Agent, have received Notice in Writing from the Commissioners to remove such Obstruction within a Time to be fixed, not exceeding Ten Days, and have made Default in compliance with such Notice.

Section 69 of 11 & 12 Vict. c. 63. incorporated with this Act.

If any Street within the Meaning of the said Section be not kept in repair, Commissioners may compel Parties liable to repair the same.

XLVI. That the Section numbered 69 of "The Public Health Act, 1848," shall be incorporated with this Act; and in case any private Street (meaning thereby any Street within the Meaning of the said Section 69 of the Public Health Act), and being a Street for the Repair or Use and Repair of which any Rentcharges are reserved or made payable by the Owners or Occupiers of Premises fronting, adjoining to, or abutting on such Street, be not sewered, flagged, levelled, channelled, paved, or repaired to the Satisfaction of the Commissioners, the Commissioners shall cause a written Notice, specifying the Works required, and containing an Estimate of the Expense of executing the same, and requiring the Proprietor (by Name or Description) of such Street to execute the same within a Time prescribed, and providing that in case such Proprietor refuse or neglect to execute such Works, then the Owners of such Premises shall do the same within a further Time to be allowed for that Purpose, to be put up for Seven consecutive Days at both Ends of the Street, and advertised Twice consecutively in some Newspaper published and circulated in the Borough, as well as to be given to the Owners or Occupiers of such Premises, according to the said Section of the Public Health Act; and if, from the Default of the Proprietor of such Street to do such Works, the Owners of such Premises shall themselves sewer, flag, level, pave, channel, or repair such

such Street as required by such Notice, it shall be lawful for them to deduct from the Rentcharges payable by them the Contribution following; that is to say, if such Rentcharges were reserved for the Repair or Use and Repair of Streets, then the whole of such Rentcharges may be deducted annually, until the Expenses of such Owners in executing such Works be repaid; if such Rentcharges were reserved for such Purpose jointly with some One other Purpose, such as the Repair of private Sewers, then One Half of such Rentcharges may be deducted annually, until such Expenses be repaid; and if such Rentcharges were reserved for such Purpose jointly with several other Purposes, such as the Repair of Sewers and Maintenance of Pleasure Grounds, then One Fifth of such Rentcharges may be deducted for the Space of Three Years; and in the last-mentioned Case the Residue, if any, of such Expenses not repaid by such Deduction shall be borne by the Owners of such Premises, under the Provisions of the said Act; and the Certificate of the Commissioners Surveyor shall be satisfactory Proof of the Amount of such Expenses; and if the Commissioners execute the Works or any of them, and the Expenses be recovered from such Owners summarily, or by way of Improvement Expenses under the said Public Health Act, then such Owners may similarly deduct the Contributions aforesaid from the Rentcharges payable by them as aforesaid: Provided always, that under the said Section 69 of the Public Health Act no Proprietor of a Street, nor any Owners or Occupiers of Houses therein, shall be required to execute Works of Flagging, Footpaving, or Channelling on any Footway in front of or abutting on the Area of any Square or other like detached Lawn or Pleasure Ground appropriated to the common Enjoyment of the Owners or Occupiers of divers Dwelling Houses, and not being Part or Parcel of the Land or Premises attached or belonging to such Dwelling House: Provided also, that where the Proprietor of a Street is not liable to make or keep in repair the Flagging, Footpaving, or Channelling thereof, no Deduction from the Rentcharges payable by Owners of Premises therein to him shall be made for Works of that Description; and in case of Doubt as to what Portion of the Expenses of putting the Street in good Condition belongs to such Works, the Amount thereof shall be settled and ascertained by the Commissioners Surveyor: Provided also, that where any Rentcharge originally reserved and made payable for the Repair or Use and Repair of any Street has been alienated, with the Consent of the Party liable to the Payment thereof, free from any Demands for such Repairs, the same shall not thereafter be subject to Deduction in manner or for any of the Purposes herein-before mentioned.

XLVII. That the Section numbered 70 of "The Public Health Act, 1848," shall be incorporated herewith: Provided Section 70 of 11 & 12 Vict. c. 63. incorporated

with this Act.

Provided always, that the Notice by the Commissioners therein mentioned shall be put up for Seven consecutive Days at both Ends of the Street, and shall also be advertised Twice consecutively in some Newspaper published and circulated in the Borough; and in the Proviso to such Section the Words "Two Months" shall be substituted for the Words "One Month," and the Words "and given by Advertisement as aforesaid" shall be read as Part of the same Section after the Words "put up as last aforesaid:"

As to Notices to be given of private Streets being made Highways.

Owners of Houses in a private Street may object to its becoming a Highway.

Provided also, that no Street shall become a Highway, under the Provisions of the said Public Health Act, if within Two Months after Notice shall be put up by the Commissioners the Proprietor of such Street, or Two Thirds of the Owners of Premises fronting, adjoining, or abutting upon such Street (or the known Agents of such Owners), in Value on the Borough Rate, if any, or otherwise the Poor Rate, shall by Notice in Writing to the Commissioners object thereto: Provided also, that when any Street becomes a Highway the Proportion following of the Rentcharges or Sums of Money, if any, reserved and made payable for its Repair, or for its Use and Repair, shall, except as to Arrears, cease to be payable; that is to say, if such Rentcharge were reserved separately for the Repair or Use and Repair of Streets, then Two Thirds of such Rentcharge shall cease; if such Rentcharge were reserved jointly for the Repair or Use and Repair of Streets and some One other Purpose, then Half of such Rentcharge shall cease; and if such Rentcharge were reserved jointly for the said Purpose and several other Purposes, then One Fifth of such Rentcharge shall cease; but the Remainder of such Rentcharge shall, subject to any Lien thereon under these Provisions, continue payable, and the Person to whom it is payable shall thereafter have and retain the Remedies for its Recovery which he would have for the whole of such Rentcharge if this Act had not been passed: Provided also, that where any Rentcharge hath been reserved or made payable for the Repair or Use and Repair of the Street declared public as aforesaid in common with any other Street not declared public, a Division of such Rentcharge shall be made by the Commissioners Surveyor according to the relative Measurement of the Street so declared public and the Street or Streets remaining private, and out of the Part of such Rentcharge assigned by the Surveyor to the Street so declared public, such proportional Deduction of Two Thirds, One Half, or One Fifth respectively (as the Case may be) shall be made as aforesaid; and in case of subsequent Dedication of Part only of the Street or Streets which so remained private, a Subdivision of the Part of the Rentcharge so assigned thereto shall be made between the Part newly dedicated and the Part still remaining private, in like Manner, and so *toties quoties*: Provided also, that where any Rentcharge originally reserved and made payable for the Repair or Use and Repair of any Street has been alienated, with the Consent of the Party liable to the Payment thereof,

Rule as to apportioning Road Rent when the Street becomes public.

Rule for Division of Road Rents where some of the Roads remain private;

and for subsequent Subdivision.

thereof, free from any Demands for such Repairs, the same shall not thereafter be subject to Deduction in manner or for any of the Purposes herein-before mentioned.

Certain private Streets declared public.

XLVIII. And whereas it would be of great public Advantage that the private Streets specified in the Schedule (F.) hereto annexed should be immediately dedicated to public Use, and the said Streets are well and sufficiently drained, levelled, paved, and channelled: Be it therefore enacted, That after the passing of this Act all the said Streets shall become and be Highways, and be repaired as such by the Commissioners: Provided always, that, notwithstanding such Dedication, the full Amount of the Rentcharges reserved or payable from or in respect of any Houses or Land, wherever situate, solely for the Use and Repair or for the Use or towards the Repair of the said Streets or any of them, and due or payable on or before the First Day of *January* One thousand eight hundred and fifty-three, shall be paid to the Persons entitled thereto, and afterwards Two Thirds of such Rentcharges, except as to past Arrears, shall cease to be payable, but the remaining One Third of such Rentcharges shall continue payable, free from and clear of all Deductions and Liabilities whatsoever, for or towards the Repairs of such Streets; and the Persons entitled to receive the same, or to whom the same are payable, shall have and retain all and every the Remedies for the Recovery of such One Third Part of the said Rentcharges which they would have had for the Recovery of the whole thereof if this Act had not been passed; and that where certain Sums of Money have been used to be paid by Owners or Occupiers of Premises, in lieu of their contributing towards or bearing or paying a Share or Proportion of the Expense of keeping the said Streets or any of them in repair, which they were liable to under any Deed, Surrender, or other legal Obligation, the same Payments shall be deemed Rentcharges within the Meaning of this Provision: Provided, nevertheless, that any Rentcharge specifically reserved for the Use only of the said Streets or any of them, and in the Reservation or Grant whereof it shall have been provided that the same is to be paid irrespective of the Repairs of the said Streets, or to be paid whether the said Streets shall be in repair or not, then such Rentcharge shall continue payable unaffected by the Provision as to the Cesser of Two Thirds of Rentcharges herein contained.

Pipeway and other Rights reserved in Streets.

XLIX. That, notwithstanding any Street is hereby declared to be or shall at any Time under this Act become a Highway, the Right of any Person to Mineral or other Wells, or to Pipes for the Conveyance of Water, or to Sewers, excepted out of the Forty-third Section of "The Public Health Act, 1848," running under such Street, shall continue to exist, and with Liberty to renew or repair the same

same Wells, Pipes, or Sewers, and to make Communications therewith, as fully as if such Street had not become a Highway, the Person so renewing, repairing, or making Communications as aforesaid forthwith repairing the Street to the Satisfaction of the Commissioners Surveyor; nevertheless the Commissioners may at all Times cause the Surface Water from the Highways to be drained into the said Sewers, they making good any Damage occasioned in making or repairing the Communications for this Purpose; and that all Covenants entered into by any Person or Persons for the Maintenance or Repair of any Street which is hereby declared to be or shall become a Highway as aforesaid shall, after such Dedication, except as to past Breaches of such Covenants, cease.

All Works connected with Gas, Water, and Sewage under 59 G. 3. c. 17., 5 G. 4. c. 132., 2 & 3 Vict. c. 25., &c. and 3 & 4 W. 4. c. 21. are to be done under the Superintendence of Commissioners under this Act.

L. That all Works, Acts, and Operations in the Streets or Ways in the Borough which under the Act passed in the Fifty-ninth Year of King *George* the Third, intituled *An Act for lighting with Gas the Town and Parish of* Cheltenham *and Precincts thereof in the County of* Gloucester, or under an Act passed in the Fifth Year of King *George* the Fourth, intituled *An Act for better supplying the Town and Neighbourhood of* Cheltenham *in the County of* Gloucester *with Water*, or under any Act extending the Powers of the last-mentioned Act, or under an Act passed in the Third Year of King *William* the Fourth, intituled *An Act for the better Sewage, cleansing, and draining of the Town of* Cheltenham *in the County of* Gloucester, are required to be done under the Direction, Inspection, or Superintendence or to the Satisfaction or with the Consent or Approval of the Commissioners acting under the Act hereby repealed, or their Surveyor, or of the Trustees of any Turnpike Roads, or of the Surveyor of such Roads or of the Highways, or of the Parish Officers, or other Persons, not being Owners or Occupiers of Lands, shall be done, after the passing of this Act, (so far as they lawfully may be done,) under the Direction, Inspection, or Superintendence and to the Satisfaction or with the Consent or Approval of the Commissioners acting in execution of this Act.

Saving Rights of Cheltenham Gas Company under 59 G. 3. c. 17.

LI. That nothing in this Act contained shall alter or affect the Powers or Provisions of the Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for lighting with Gas the Town and Parish of* Cheltenham *and Precincts thereof in the County of* Gloucester, but that the Powers thereby vested in the *Cheltenham* Gaslight and Coke Company shall and may be available and executed, and be carried into execution and effect, with respect to this Act, as the same was or were or might have been with respect to the Act hereby repealed, or the Commissioners thereby appointed, or as if the Commissioners hereby appointed, or to be appointed by virtue of this Act, had been

mentioned in the said Act of the Fifty-ninth Year of the Reign of King *George* the Third, and the said last-named Commissioners shall have such and the like Powers and Authorities with respect to the said *Cheltenham* Gaslight and Coke Company as the Commissioners appointed or who might have been appointed by or under the said repealed Act would have had in case the same Act had remained unrepealed: Provided always, that it shall be lawful for the *Cheltenham* Gaslight and Coke Company to carry their waste Refuse and Sewage, at the Expense of the Company, into the *Chelt* Main Sewer to be constructed under the Provisions of this Act; and when and so soon as such Sewer shall have been made and completed it shall not be lawful for the *Cheltenham* Gaslight and Coke Company to carry their waste Refuse and Sewage into any Cesspool, or into any River, Brook, or Stream within the said Borough.

Surface Cleansing.

And with respect to Surface Cleansing, be it enacted,

Section 55 of 11 & 12 Vict. c. 63. incorporated with this Act.

LII. That so much of the Section numbered 55 of "The Public Health Act, 1848," as relates to Street Cleansing and the like, shall be incorporated with this Act.

Sections 95, 96, and 97 of 10 & 11 Vict. c. 34. incorporated with this Act.

LIII. That the following Sections of "The Towns Improvement Clauses Act, 1847," shall be incorporated with this Act:

The Section numbered 95 of the said Act:

And the Section numbered 96 of the same Act:

And the Section numbered 97 of the same Act.

Public Lighting.

And with respect to public Lighting, be it enacted,

Section 8 of 12 & 13 Vict. c. 94. incorporated with this Act.

LIV. That the Section numbered 8 of "The Public Health Supplemental Act, 1849," shall be incorporated with this Act.

Power to affix Lamp Posts and Irons against Buildings.

LV. That the Commissioners may direct Lamp Posts and Lamp Irons to be affixed and set up against or upon the Palisades of Houses, or against Walls, as well as in or upon the Streets, and may cause such Posts and Irons to be altered, taken down, and renewed from Time to Time; the Commissioners may cause the Lamps to be lighted with Gas, Oil, or otherwise, at and for such Hours and Seasons as to them seems fit; and for the Purpose of public Lighting, the Commissioners may of their own Authority make and manufacture Gas, and purchase Ground, and erect the necessary Buildings, Apparatus, and Machinery, and lay Pipes, Plugs, and Branches in the Streets, and do all other Things necessary thereto: Provided always, that nothing herein contained shall authorize the Commissioners to lay down or carry on any Pipe or Works through or against any Buildings, Yards, or enclosed Grounds or Lands not

Power to erect Gasworks, &c.

dedicated to the public Use, for the Purpose of lighting the Streets, without the Consent of the Owner and Occupier thereof, unless the same be in Renewal or Reparation of a Pipe already lawfully laid down and placed in such Premises; and if any Person should take away, destroy, or injure any Pillar, Lamp Post, Plug, Lamp, Pipe, or other Apparatus for lighting, belonging to the Commissioners, or any Part thereof, such Person shall pay to the Commissioners Compensation for the Damage occasioned by such Misfeasance, and, if the same were wilfully or maliciously done, a Penalty not exceeding Five Pounds in addition thereto.

Highways.

And with respect to Highways and Turnpike Roads, be it enacted,

Sect. 117 of 11 & 12 Vict. c. 63. incorporated with this Act.

LVI. That the Section numbered 117 of the "Public Health Act, 1848," shall be incorporated with this Act.

As to Collections of Tolls and repairing Roads, &c. in the Borough of Cheltenham.

LVII. That the Trustees of any Turnpike Road shall not collect Tolls on any Road in the Borough, or lay out any Money thereon, save that the Trustees acting in execution of the Local Act of the First and Second Year of King *William* the Fourth, Chapter 16, relating to the *Cheltenham* District of Turnpike Roads, shall continue to repair all such Roads in the said Borough as are now repaired by them, and may collect Tolls at the several Toll Gates and Toll Bars and Weighing Machines at which Tolls are now received by such Trustees, and at any Toll Gate, Bar, or Chain to be at any Time hereafter set up by the said Trustees on, across, or on the Side of any Part of the Road made a Turnpike Road by virtue of the said Act, and leading from or near to the Top or Eastern End of the *High Street* in the Town and Parish of *Cheltenham* aforesaid to the Turnpike Road leading from *Cheltenham* towards *Birdlip*, not nearer to the Parish Church of *Cheltenham* than the present Turnpike Gate called the *Charlton Park Gate*: Provided, that in the event of any Part of the said Turnpike Roads within the Borough which are now repaired by the Trustees not being repaired by them, and being repaired by the Commissioners, then the Power to collect Tolls on such Part of the said Turnpike Roads shall cease; and save also, that the Trustees acting in execution of the *Cheltenham and Gloucester* Turnpike Road Act, 1851, may continue to collect Tolls at the several Toll Gates and Toll Bars in the Borough at which Tolls were before the Twentieth Day of *May* One thousand eight hundred and fifty-one lawfully collected by such Trustees, and at any Toll Gate, Bar, or Chain to be from Time to Time lawfully set up on or on the Side of any Part of the Roads in the said Trust not nearer to the Parish Church of *Cheltenham* than the present Turnpike Gate called the *Montpellier* or *Lansdowne Gate*,

or

or the present Turnpike Gate, called the *Junction Gate*, thereto adjoining; but the said Trustees shall not continue or set up any Toll Gate, Bar, or Chain in, upon, or across any Lane or Way within the Borough leading into the same Roads, or on the Sides thereof, anything in the said Turnpike Act contained to the contrary notwithstanding.

Commissioners may cleanse, &c. Streets, whether Highways or not.

LVIII. That the Commissioners may efficiently cleanse, light, water, and scavenge every present and future Street in the Borough (whether a Highway or not), but no Street shall thereby become a Highway.

Street Obstructions.

And with respect to Obstructions of the Passage in the Streets, be it enacted,

Sections 21 to 27 of 10 & 11 Vict. c. 89. incorporated with this Act.

LIX. That the following Sections of the "Towns Police Clauses Act, 1847," shall be incorporated with this Act:

The Section numbered 21 of the said Act:

Also the Section numbered 22 of the said Act:

Also the Section numbered 23 of the said Act:

Also the Section numbered 24 of the said Act;

Also the Section numbered 25 of the said Act:

Also the Section numbered 26 of the said Act:

Also the Section numbered 27 of the said Act.

Street Annoyances.

And with respect to Annoyances in the Streets, be it enacted,

Sections 28 and 29 of 10 & 11 Vict. c. 89. incorporated with this Act.

LX. That the following Sections of the "Town Police Clauses Act, 1847," shall be incorporated with this Act, and shall extend not only to the Borough but to any Place within One Mile in a direct Line from the Church of *Saint Mary Cheltenham*:

The Section numbered 28 of the said Act; but the Prohibition therein contained as to drawing a Carriage on the Footway shall not extend to Wheel Chairs or Fly Chairs which may now be lawfully drawn upon the Footway:

Also the Section numbered 29 of the said Act:

Also any Person who wantonly, mischievously, or idly chalks, writes, or paints upon any House or other Building, Wall, or Pavement:

And also any Person who writes, paints, exposes, or designates any obscene, immoral, or offensive Word, Picture, or Representation upon a Place, Matter, or Thing, so as to be legible or visible from or in any Street.

Dogs not to be used as Beasts of Draught or Burden.

LXI. That no Dog shall be used as a Beast of Draught or Burden within the Borough or within One Mile in a direct Lane from the Church of *Saint Mary Cheltenham*; and every Person so using

For preventing Spread of Canine Madness.

using any Dog shall forfeit any Sum not exceeding Five Pounds, and any Constable may seize and detain any Dog so used for any such Purpose; and any Constable may also within the said Limits seize and detain any unmuzzled ferocious Dog, or any Dog going at large, which there is reasonable Ground for believing to be in a rabid State, or to have have been bitten by any other Dog or Animal in a rabid State, or any Dog which on the Expiration of Twelve Hours after public Notice given by the public Crier, by Order of the Commissioners, directing Dogs to be confined, is found at large in the Borough during the Period specified in such Notice, and any Constable may destroy any such Dog, or sell any such Dog not suspected to be rabid, at any Time not less than Two Days after the same has been so seized: Provided always, that such Seizure and Destruction shall not exempt the Owner of any such Dog from any Penalty to which he may be in any way liable in respect of such Dog; and that after Payment of all Expenses the Proceeds of the Sale of any such Dog shall go to the Borough Fund.

Street Naming.

Sections 64 and 65 of 10 & 11 Vict. c. 34. incorporated with this Act.

And with respect to naming and numbering the Streets, be it enacted,

LXII. That the following Sections of "The Towns Improvement Clauses Act, 1847," shall be incorporated with this Act:

The Section numbered 64 of the said Act:

And the Section numbered 65 of the same Act.

Improving Streets.

Section 73 of 11 & 12 Vict. c. 63. incorporated with this Act.

And with respect to improving Streets and removing Obstructions, be it enacted,

LXIII. That the Section numbered 73 of "The Public Health Act, 1848," shall be incorporated with this Act.

Sections 66 and 68 to 74 of 10 & 11 Vict. c. 34. incorporated with this Act.

LXIV. That the following Sections of "The Towns Improvement Clauses Act, 1847," shall be incorporated with this Act:

The Section numbered 66 of the said Act:

Also the Section numbered 68 of the same Act:

Also the Section numbered 69 of the same Act:

Also the Section numbered 70 of the same Act:

Also the Section numbered 71 of the same Act:

Also the Section numbered 72 of the same Act:

Also the Section numbered 73 of the same Act:

Also the Section numbered 74 of the same Act.

Repairs. Precautions.

Sections 79 to 83 of 10 & 11 Vict. c. 34. incor-

And with respect to Precautions during the Construction and Repairs of Sewers, Street, and Houses, be it enacted,

LXV. That the following Sections of "The Towns Improvement Clauses Act, 1847," shall be incorporated with this Act:

The

The Section numbered 79 of the said Act: porated with this Act.
Also the Section numbered 80 of the said Act:
Also the Section numbered 81 of the said Act:
Also the Section numbered 82 of the said Act:
Also the Section numbered 83 of the said Act.

And with respect to ruinous or dangerous Buildings, be it enacted, *Ruinous Buildings.*

LXVI. That the following Sections of "The Towns Improvement Clauses Act, 1847," shall be incorporated with this Act: Sections 75 to 78 of 10 & 11 Vict. c. 34. incorporated with this Act.
The Section numbered 75 of the said Act:
Also the Section numbered 76 of the said Act:
Also the Section numbered 77 of the said Act:
Also the Section numbered 78 of the said Act.

And with respect to Police, and the Appointment, Powers, and Duties, and Privileges of Constables, be it enacted, *Police.*

LXVII. That the following Sections of "The Town Police Clauses Act, 1847," shall be incorporated with this Act: Sections 6 to 20, and 34, 35, and 36 of 10 & 11 Vict. c. 89. incorporated with this Act.
The Section numbered 6 in the said Act:
Also the Section numbered 7 in the said Act:
Also the Section numbered 8 in the said Act:
Also the Section numbered 9 in the said Act:
Also the Section numbered 10 in the said Act:
Also the Section numbered 11 in the said Act:
Also the Section numbered 12 in the said Act:
Also the Section numbered 13 in the said Act:
Also the Section numbered 14 in the said Act:
And besides the Duties mentioned in the said Section, the Constables shall also obey all lawful Directions of the Commissioners for enforcing the Provisions and executing the Purposes of this Act, or any Byelaw made under the same:
Also the Section numbered 15 in the said Act:
Also the Section numbered 16 in the said Act:
Also the Section numbered 17 in the said Act:
Also the Section numbered 18 in the said Act:
Also the Section numbered 19 in the said Act:
Also the Section numbered 20 in the said Act:
Also the Section numbered 34 in the said Act:
Also the Section numbered 35 in the said Act:
Also the Section numbered 36 in the said Act.

And with respect to the Supply of Water, be it enacted, *Water Supply.*

LXVIII. That the following Sections of the Public Health Act, 1848, shall be incorporated with this Act: Sections 75 to 80 of

11 & 12 Vict. c. 63. incorporated with this Act.

The Section numbered 75 of the said Act:

And this Section shall extend to authorize the *Cheltenham* Waterworks Company to dispose of or lease their Works to the Commissioners, notwithstanding the Prohibition against Alienation in the Act relating to such Company contained:

Also the Section numbered 76 of the same Act:

Also the Section numbered 77 of the same Act:

Also the Section numbered 78 of the same Act:

And the Works for the gratuitous Supply of Water mentioned in the said Section may be for the Inhabitants or others, as well as for public Baths and Washhouses:

And the said Section shall extend to the maintaining any existing and to the providing any new Cisterns, Pumps, Wells, Conduits, and Works for the Supply of Water for watering the Streets and for cleansing Sewers and Drains by the Commissioners:

Also the Section numbered 79 of the same Act:

Also the Section numbered 80 of the same Act.

Power to Commissioners to exercise Powers of 9 & 10 Vict. c. 74. and 10 & 11 Vict. c. 61. as to Washhouses and Baths.

LXIX. That the Commissioners may exercise in the Borough all and every or any of the Powers conferred by an Act passed in the Ninth and Tenth Year of the present Reign, intituled *An Act to encourage the Establishment of public Baths and Washhouses*, and an Act passed in the Tenth and Eleventh Year of the same Reign, to amend the same, given to Vestries, Churchwardens, and Commissioners appointed under that Act, or any of them; and the Expenses of carrying this Power into execution shall be defrayed out of such Rates under this Act, and the Monies to be received, and the Income to be derived from Baths, Washhouses, and open Bathing Places, shall be carried to such Fund under this Act, as the Commissioners shall think expedient and just.

Pleasure Grounds.

Section 74 of 11 & 12 Vict. c. 63. incorporated with this Act.

And with respect to public Pleasure Grounds, be it enacted,

LXX. That the Section numbered 74 of the Public Health Act, 1848, shall be incorporated herewith:

And the Commissioners may make Byelaws for the ordering and regulating any Pleasure Ground provided under this Act.

Public Slaughter-houses and Trades.

Sections 61 to 64 of 11 & 12 Vict. c. 63. incorporated with this Act.

And with respect to the Regulation of Slaughter-houses and Trades, be it enacted,

LXXI. That the following Sections of the Public Health Act, 1848, shall be incorporated with this Act:

The Section numbered 61 of the said Act:

Also the Section numbered 62 of the same Act:

Also the Section numbered 63 of the same Act:

And

And the Provision in the said Section shall also extend to Shops and Places kept or used for the Sale of Game:

Also the Section numbered 64 of the same Act.

And with respect to the Prevention of Nuisances, be it enacted, *Nuisances.*

LXXII. That the following Sections of the Public Health Act, 1848, shall be incorporated with this Act: Sections 55 to 60 of 11 & 12 Vict. c. 63. incorporated with this Act.

So much of the Section numbered 55 of the said Act as relates to Byelaws with respect to the Removal of Refuse, and cleaning and emptying Waterclosets, Privies, and Cesspools:

Also the Section numbered 56 of the said Act:

Also the Section numbered 57 of the said Act:

Also the Section numbered 58 of the said Act:

Also the Section numbered 59 of the said Act:

Also the Section numbered 60 of the said Act.

LXXIII. That the following Sections of "The Towns Improvement Clauses Act, 1847," shall be incorporated herewith: Sections 98 and 104 to 107 of 10 & 11 Vict. c. 34. incorporated with this Act.

The Section numbered 98 of the said Act:

The Section numbered 104 of the said Act:

Also the Section numbered 105 of the said Act; and against the Order of Justices therein mentioned an Appeal shall lie to the Quarter Sessions, as herein-after provided:

Also the Section numbered 106 of the said Act:

Also the Section numbered 107 of the said Act.

LXXIV. And with respect to the Construction of Houses for Prevention of Fire, be it enacted, That the Party Walls of all Buildings erected in the Borough after the passing of this Act shall be carried through and above the Roof to form a Parapet (properly coped with Stone or with such incombustible Materials as the Surveyor may approve) of not less than Twelve Inches in Height measured at Right Angles with the Slope of the Roof above the Covering of the Roof of the highest Building to which such Party Walls belong; and all such Party Walls and the External Walls of all Buildings erected after the passing of this Act within the Borough shall be constructed of incombustible Materials, and be of such Thickness, not less than Nine Inches and not more than Twenty-seven Inches, as the Commissioners shall direct, and the Covering of the Roof thereof shall not, without the previous Consent in Writing of the Commissioners or their Surveyor, be constructed of combustible Materials; and no Timber or Woodwork shall be placed in any Building within Four and a Half Inches of any Flue or Fireplace therein; and all Hearths, Slabs, and the Supports thereof, shall be of incombustible Materials; and it shall not *Construction of Houses for Prevention of Fire.* Regulations as to Party Walls, External Walls, Fireplaces, and Roof Coverings.

not be lawful for the Owner of any Building within the Borough, having at the passing of this Act a Roof covered with Thatch or other combustible Material, and adjoining to or near any other Building, to allow such Covering to such Roof to remain for a longer Period than Seven Years after the passing of this Act, unless with the Consent in Writing of the Commissioners Surveyor; and every Person who shall erect, rebuild, or alter any Building, or cover any Roof, or suffer the Covering of any Roof to continue, contrary to the Provisions herein contained, and who shall not remove or alter the same within One Month after Notice given to him for that Purpose by the Commissioners Surveyor, shall be liable to a Penalty not exceeding One Pound for every Day that such Building or Covering to such Roof shall so continue; and it shall be lawful for the Commissioners Surveyor to enter into or upon any House or other Building within the Borough during the building, rebuilding, or Alteration thereof, after the passing of this Act, and to view and inspect the same or any Part thereof; and if it shall appear to the said Surveyor that there is any Work or Materials in the external or party Walls or main Timbers or Roofs thereof, used in the building, rebuilding, or Alteration thereof, contrary to the Meaning of this Provision, the Owner of such House or other Building who shall not take down such Work or Materials within One Week after Notice given to him for that Purpose by the Commissioners Surveyor shall be liable to a Penalty not exceeding One Pound for every Day that such Work or Materials shall remain contrary to the Provisions herein contained.

Cellar Dwellings.

And with respect to Cellar Dwellings, be it enacted,

Section 67 of 11 & 12 Vict. c. 63. incorporated with this Act.

LXXV. That the Section numbered 67 of "The Public Health Act, 1848," shall be incorporated with this Act; but the Commissioners shall give Notice of that Provision, instead of the Churchwardens and Overseers of the Poor.

Fires and Smoke.

And with respect to Fires, and the Prevention of Smoke, be it enacted,

Sections 30 to 33 of 10 & 11 Vict. c. 89. incorporated with this Act.

LXXVI. That the following Sections of "The Town Police Clauses Act, 1847," shall be incorporated with this Act:

The Section numbered 30 of the said Act:

Also the Section numbered 31 of the said Act:

Also the Section numbered 32 of the said Act:

Also the Section numbered 33 of the said Act.

Sect. 108. of 10 & 11 Vict. c. 34. incorporated with this Act;

LXXVII. That the Section numbered 108 of "The Towns Improvement Clauses Act, 1847," shall be incorporated with this Act.

And

Ventilation.

And with respect to supplying Buildings with fresh Air, be it enacted,

also Sections 110,111,112, and 86 of the same Act.

LXXVIII. That the following Sections of "The Towns Improvement Clauses Act, 1847," shall be incorporated with this Act:

The Section numbered 110 of the said Act:

Also the Section numbered 111 of the said Act:

Also the Section numbered 112 of the said Act:

Also the Section numbered 86 of the said Act.

Hackney Carriages.

And with respect to Hackney Carriages, be it enacted,

Sections 37, 38, 40 to 45, & 50 to 68 of 10 & 11 Vict. c. 89. incorporated with this Act.

LXXIX. That the following Sections of "The Town Police Clauses Act, 1847," shall be incorporated with this Act:

The Sections numbered 37 and 38 of the said Act; and the Term "Hackney Carriages," used in this Act, shall be extended to include hired Sedan Chairs, Wheel Chairs, Fly Chairs drawn by Men, and other such like Conveyances used for Hire (herein-after called Hired Chairs), and the Word "Driver" shall include "Chairman," and the Word "drive" shall include "draw," unless the Context be repugnant to such Construction; and the Distances within which Hackney Carriages and Hired Chairs shall be bound to go shall be fixed from Time to Time by a Byelaw or Order of the Commissioners, not exceeding, for a Hackney Carriage, Ten Miles from the Borough, and for a Hired Chair Two Miles therefrom, measuring by the nearest appropriate Means of Access:

Also the Section numbered 40 of the said Act:

Also the Section numbered 41 of the said Act; and the Licence shall express the Name and Place of Abode of the Driver as well as the Proprietor of a Hackney Carriage:

Also the Section numbered 42 of the said Act:

Also the Section numbered 43 of the said Act:

Also the Section numbered 44 of the said Act; and the Proprietor shall also give Notice of the Change of Abode of the Driver of a Hackney Carriage within Seven Days after such Change, and in case of his wilful Omission so to do he shall be liable to the Penalty therein mentioned:

Also the Section numbered 45 of the said Act; and the Penalty therein contained shall extend to any Proprietor permitting a Hackney Carriage to be driven or attended by any other than the Person named in the Licence as the Driver thereof, except in case of his Illness, or Absence from some unavoidable Cause:

Also the Section numbered 50 of the said Act; but it shall not be necessary to obtain a Licence for any Driver of a Hackney Carriage;

Also the Section numbered 51 of the said Act; but the said Section shall not extend to Hired Chairs:
Also the Section numbered 52 of the said Act; but the said Section shall not extend to Hired Chairs:
Also the Section numbered 53 of the said Act:
Also the Section numbered 54 of the said Act:
Also the Section numbered 55 of the said Act:
Also the Section numbered 56 of the said Act:
Also the Section numbered 57 of the said Act:
Also the Section numbered 58 of the said Act:
Also the Section numbered 59 of the said Act:
Also the Section numbered 60 of the said Act:
Also the Section numbered 61 of the said Act:
Also the Section numbered 62 of the said Act:
Also the Section numbered 63 of the said Act:
Also the Section numbered 64 of the said Act:
Also the Section numbered 65 of the said Act:
Also the Section numbered 66 of the said Act:
Also the Section numbered 67 of the said Act:
Also the Section numbered 68 of the said Act.

Fees for Licences of Hackney Carriages.

LXXX. That for each of the Licences for Hackney Carriages and the Business relating thereto there shall be paid by the Person to whom the Licence is granted on the granting thereof, to the Commissioners Clerk, the following Sums applicable to the Borough Fund; *viz.*

For each Licence for a Hackney Coach, Cabriolet, One or Two Horse Fly Carriage, or other like Carriage, the Sum of Five Shillings:

For each Licence for a Pony or Donkey Cart, or Gig, Fly Chair, Wheel Chair, Sedan Chair, or other like Conveyance, the Sum of Three Shillings and Sixpence.

Act not to prevent Use of private Carriages or Chairs.

LXXXI. That nothing in this Act, or in any Byelaw made by the Commissioners for any of the Purposes aforesaid, contained, shall extend to prohibit or hinder any Person from having or using his own Coach, Fly Carriage, Pony Cart or Donkey Cart, or Gig, Wheel Chair, Fly Chair, or Sedan Chair, or other Conveyance within the Borough, so as the same be not used for Hire or plying for Hire.

Application of Penalties recovered from Proprietors, &c.

LXXXII. That all pecuniary Fines and Forfeitures to be recovered of any Proprietor or Driver of a Hackney Carriage, or any hired Chairman, shall be applied to the Borough Fund; but no Part of such Fines or Forfeitures shall be paid to the Complainant or Informant;

Informant; nevertheless any Overcharge for Fare may be ordered to be returned to the Party aggrieved. of Hackney Carriages.

And with respect to Markets and Fairs: *Markets and Fairs.*

LXXXIII. Whereas certain Fairs, Markets, Mops, and Hirings have heretofore been held in the *High Street* and other Streets and Places within the Town of *Cheltenham*, and such Fairs, Markets, Mops, and Hirings are a great Nuisance, Obstruction, and Inconvenience to such Streets and Places, and to the Inhabitants thereof and the Public in general, and it is expedient that the same should be prevented, and removed from and out of such Streets and Places, in manner herein-after mentioned: Be it enacted, That after the passing of this Act no Person shall hold any Fair, Market, Mop, or Hiring in, upon, or about the *High Street* or any other Street within the Borough, nor erect or place in, upon, or about the same or any of them any Stall, Standing, Booth, Carriage, or Thing whatsoever, for the Purpose of selling or exposing to Sale any Goods, Wares, or Merchandises, or any Articles or Things usually sold in Fairs or Markets, or under any other Pretence whatsoever, nor shall any Person stand or loiter in or about the *High Street*, or any other Street aforesaid, for the Purpose of being hired; and that all such Fairs, Markets, Mops, and Hirings shall from henceforth be held in the present public Market Place in the Borough of *Cheltenham*, or at such other Place or Places upon private Property as the Person entitled to the said Markets shall from Time to Time direct and appoint; and all Persons who shall so erect or place any Stall, Standing, Booth, Carriage, or Thing, and all Persons, except licensed Hawkers acting as such, who shall sell or expose for Sale any Goods, Wares, or Merchandises, or any Article or Thing usually sold in Fairs or Markets, and all Persons who shall stand or loiter for the Purpose of being hired, in, upon, or about the *High Street*, or any other Street as aforesaid, after the passing of this Act, shall forfeit for every such Offence any Sum not exceeding Ten Pounds: Provided always, that nothing in this Act contained shall extend to prevent the Fairs and Markets being held for the Sale of Horses, Cattle, Sheep, and other Beasts in the several Streets and Places where the same Markets and Fairs have heretofore been accustomed to be holden, until a proper Place shall be found and provided by the Commissioners, and approved of by the Person entitled to the said Markets and Fairs, for the holding of such Fairs and Markets. Fairs not to be held in the Streets. Exception of Sale of Horses, &c.

LXXXIV. That it shall be lawful for the Commissioners to purchase all or any of the Markets and Fairs, with the Market Houses, Market Places, Market Yards, Stalls, Standings, Shambles, Conveniences, and Premises thereto belonging, within the Borough of *Cheltenham*, Power of Sale and Purchase of Markets, Tolls, &c.

Cheltenham, and the Tolls, Duties, and Payments arising or to arise therefrom, by Agreement with the Owner thereof, and such Purchase shall be One of the Purposes of this Act.

Powers vested in Commissioners, in event of Purchase of Markets, Tolls, &c., to remove Markets, and establish others.

LXXXV. That if the Commissioners should purchase such Markets and Fairs, Market Houses, Stalls, Standings, Shambles, Tolls, and Premises, they may from Time to Time provide and appropriate convenient Places within the Borough for holding and keeping public Fairs and Markets for the Sale of Horses, Cattle, Sheep, Swine, and other live Cattle, Corn and other Grain, Hay, Straw, and other Articles and Things, and for holding public Hirings, and also provide a proper Market Place or Market Places, Cattle-pens, and other Buildings and Conveniences for the Fairs and Markets, and also order that such Place or Places so appropriated be used as public Fairs and Market Places accordingly; and also may appoint a particular Part or Parts of the Market Places and other Places within the Borough, as well for holding and keeping such Fairs and Markets as also for holding public Hirings; and also may appoint a particular Place or Places in the Fairs and Markets, or any of them, for the erecting Stalls or Standings for vending or exposing to Sale Horses, Cattle, Sheep, Swine, or other Animals, Corn, Hay, Straw, and other Articles and Things; and also may appoint proper Persons to attend the Markets and Fairs, for the better ordering and governing of the same, and collecting the Tolls thereof; and also make Byelaws for regulating the said Fairs and Markets, and all Persons coming or resorting thereto, in all Matters relating to the said Fairs and Markets, and for fixing and ascertaining the Days and Hours when the same respectively shall be held, and also when (in the proper Parts of the said Fairs and Markets respectively) the said respective Commodities shall respectively be begun to be offered, placed, and exposed for Sale, and how long the same may continue exposed for Sale, and also the Mode and Manner of carrying and conveying the said several Commodities to and from such Fairs and Markets, and also the Time or Times when any such Stalls or Standings as aforesaid shall be erected and set up, and taken down or removed.

No Markets to be held in other Places than those appointed.

LXXXVI. That after the purchasing of all the Markets, Fairs, Tolls, and Premises, and after the making and publishing of any Orders of the Commissioners which shall appoint any particular Place or Places for holding and keeping any such Fairs, Markets, or Hirings as aforesaid, no Person shall hold any Fair, Market, or Hiring in any other Part or Place of the said Borough.

Tolls to be taken.

LXXXVII. That when and if the Fairs and Markets shall be purchased by the Commissioners, and come into their Possession, there shall be paid to them or to the Person to be by them appointed to receive

receive the same, by all Persons holding, using, or occupying any Building, Shed, Stall, Standing, Bulk, Tressel, Block, or other Convenience, Standing Place, or Station, for selling, offering, or exposing to Sale any Provisions, Sheep, Swine, or other live Cattle, Corn and other Grain, Fish, Butcher's Meat, Poultry, Milk, Butter, Eggs, Vegetable and other Viands and Provisions, Goods, Wares, and Merchandises, Hay, Straw, or Fodder, in the said Market Place or Market Places, the several Tolls, Duties, Rents, and Stallage mentioned, expressed, or contained in the Schedule (C.) to this Act annexed.

Commissioners may reduce Tolls, and restore them.

LXXXVIII. That the Commissioners may from Time to Time reduce, lower, and abate the Tolls or any of them in such Proportions and Manner as to them shall seem expedient; and after the Tolls have been so reduced and abated it shall be lawful for the Commissioners from Time to Time to augment the Tolls so reduced and abated to any Sums not exceeding the Amount of the Tolls fixed and made payable by this Act.

Notice of Alteration of Tolls.

LXXXIX. That upon every such Reduction or Augmentation of the Tolls the Commissioners shall immediately cause Notice thereof, painted or printed on a Board, to be set up and fixed in some public Part within the Limits of the said Market Place, with the Table of the Tolls so reduced or augmented.

Tolls payable every Day of the Week.

XC. That the several Tolls and Stallage Dues shall be paid in respect of every Day of the Week on which any Building, Stall, or other Convenience, Standing Place or Station, shall be held or occupied, or any Article, Matter, or Thing shall be exposed to Sale.

When they shall be paid, and by whom.

XCI. That the said Tolls and Stallage Dues to be paid by the Sellers shall become due, when and so soon as the several Cattle, Beasts, Articles, Matters, or other Things in respect whereof the same are respectively made payable shall be brought into the said Market Place or Market Places, and before the same shall be driven or taken or permitted to go into any Pen or Pens, Place or Places therein, or be placed on any Stall, Tressel, Block, Bench, or other Convenience; and in case of any Sale thereof in the said Market or Markets, then also the Tolls shall again be payable immediately after the Expiration of the Time allowed for the Removal of such Cattle, Beasts, or other Things, after the Sale thereof; and the said Tolls to be paid by the Buyers shall become due and payable immediately after the Sale thereof.

Recovery of Tolls.

XCII. That the several Tolls and Stallage Dues shall be forthwith paid to the Commissioners or to their Collector by the Owner of the several Cattle, Beasts, Articles, Matters, or other Things in respect whereof

whereof the same shall be respectively payable, or by the Person accompanying such Cattle, Beasts, Articles, Matters, or Things, and by the Purchaser thereof; and if such Owner, Purchaser, or other Person shall, upon Demand thereof made by the Collector, either immediately or at any Time afterwards, neglect or refuse to make Payment of the said Tolls or any Part thereof, it shall be lawful for the Collector, either by himself or with his Assistants, to seize and distrain the Cattle, Beasts, or other Things in respect whereof the said Tolls or Stallage Dues shall become payable, or any of them, or any of the Goods or Chattels of the Person so neglecting or refusing to pay the same as aforesaid; and if such Tolls, and the reasonable Charges of such Detention and Distress, and of keeping and maintaining the Things distrained, shall not be paid, such Collector shall and may, at the Expiration of Five Days thereafter, sell and dispose of the Things distrained, or any Part thereof, and out of the Monies which shall arise by such Sale shall and may pay or retain such Tolls, and all reasonable Charges incurred by such Detention, Distress, and Sale, returning the Overplus (if any) of the said Monies, and such of the said Things distrained as shall remain unsold (if any), upon Demand, to the Owner thereof, or the Person in whose Possession the same shall have been when so detained and distrained as aforesaid, or as he shall direct.

Commissioners may provide a public Weighing Machine.

XCIII. That it shall be lawful for the Commissioners, at any Time when they shall deem it expedient, to provide, erect, place, and maintain, in some convenient Place within the Borough, a sufficient and proper Machine (or several such Machines if requisite) for the weighing of Waggons, Carts, and other Carriages, together with such Buildings as may be necessary for the due Management and Superintendence of any such Machine, and from Time to Time to employ any proper Person or Persons to attend such Machine, who shall weigh all Carriages brought thereto, and make Entries in Books, to be kept for that Purpose, of the Weights thereof, and deliver Tickets specifying the same Weights to the Drivers of such Carriages; and it shall also be lawful for the Commissioners from Time to Time to fix and determine what Fees shall be taken by the Person or Persons so attending, from the Drivers of such Carriages, for weighing the same, and also to make and establish Byelaws for the Management of the said Machine, and relative to the Conduct of the Person or Persons appointed to attend the same, and of the Owners or Drivers of Carriages brought thereto, and for the Prevention and Punishment and Redress of Frauds and Evasions by such Persons or any of them, in or about the weighing of Carriages and the loading thereof, or otherwise relative thereto, as the Commissioners think proper; and if any Person or Persons so appointed demand, take, or accept from any Person whomsoever any greater Fee or Reward than such as shall be allowed by the Commissioners, or shall wilfully

wilfully disobey or act contrary to any Byelaw so made by the Commissioners, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and the Driver of any such Carriage shall, on Demand of any Person interested, forthwith cause his Carriage to be weighed at such Machine, and if it be weighed with its Load thereon he shall, if so required, cause it to be re-weighed at such Machine after the Discharge of such Load; and if any Driver refuse or neglect so to do, he shall forfeit for every such Offence a Sum not exceeding Forty Shillings; and if any Person shall knowingly act or assist in committing any Fraud respecting the weighing or Weight of any Carriage, or respecting the Weight or Disposal of the Loading thereof, he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Profits of Markets, &c. to go to the Borough Fund.

XCIV. That all the Proceeds and Profits of the said Markets and Fairs, if purchased as aforesaid, shall go in aid of the special Rate by which the same shall be so purchased while the same Rate continues, and afterwards such Proceeds and Profits shall go the Borough Fund; and the Proceeds and Profits of any Weighing Machines to beprovided as aforesaid shall go to the Borough Fund.

Public Clocks.

XCV. And with respect to public Clocks, be it enacted, That the Commissioners may provide and maintain public Clocks, under Section 143 of the "Towns Improvement Clauses Act, 1847."

Burials.

Section 81 of 11 & 12 Vict. c. 63. incorporated.

XCVI. And with respect to Burials, be it enacted, That the Section numbered 81 of "The Public Health Act, 1848," shall be incorporated with this Act.

No Interments in the Churches and Churchyards, except Saint Mary, Trinity, and Saint Peter's.

XCVII. That from and after the passing of this Act it shall not be lawful to bury, or permit or suffer to be buried, any Corpse or Coffin, within or under any Church or Churchyard now or to be hereafter consecrated in the Parish of *Cheltenham*, other than the Churches and Churchyards of *Saint Mary*, the *Holy Trinity*, and *Saint Peter* respectively, and in the said Churches and Churchyards only in Catacombs; that is to say, whenever any Vault or Grave shall be made or opened, each Coffin shall, after Deposit, be so closely, separately, and exclusively encased or compactly enclosed in a Cavity, Building, or Partition as that no Air shall escape therefrom, and which Cavity, Building, or Partition shall never, after such Deposit, be opened or in any way interfered with; and that Interment in the Church and Churchyard of *Saint Mary Cheltenham* shall also be subject to the Restrictions following:

No new Vault or Grave shall be made therein:

In the now existing Vaults or Graves none but Members of the Families to which they respectively belong shall be interred:

No

No Interment shall take place in any now existing Vault or Grave, unless the same were originally constructed, or within Five Years after the passing of this Act shall be altered and adapted, in or to the Form of Catacombs, so far as regards the Separation of the Bodies buried therein before the passing of this Act from those which thereafter may be there deposited, and so far as regards the Preparation of Cavities for the Isolation of so many Bodies as such existing Vault or Grave shall be sufficiently capacious to receive, or such less Number as it shall be proposed by the Parties interested to deposit therein, to the Satisfaction of the Commissioners; and when so altered and adapted the same Vaults or Graves shall not be interfered with, except for the Deposit of Bodies therein in manner aforesaid, and for the Purpose of sealing up the same after such Deposit.

Regulations as to Interments.

XCVIII. That the Commissioners may from Time to Time make Rules and Regulations in reference to all Interments in the Borough (the same nevertheless not to affect any lawful Right as to Burial Fees and Payments now existing); and any Person who offends against such Rules and Regulations shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Superintendence of Places of Interment.

XCIX. That for the Purpose of Protection of the Public Health the Commissioners, through their Surveyor, shall have a general Superintendence of all Places of Interment now or to be hereafter used within the Parish, and Notice shall be given to such Surveyor (at the Office of the Commissioners) of any intended Interment therein; and such Surveyor, or, in his Absence, any Person appointed by him for the Occasion, shall inspect and superintend the Progress and Completion of such Interment.

Power for Commissioners to close Burial Grounds, with the Approbation of General Board of Health.

C. That from the Time when the Commissioners resolve, and the General Board of Health concurs in the Resolution, that any future or further Interment within or under any Place or Places of Interment now or to be hereafter used within the Borough would or might be prejudicial to the Public Health, then all further Interment in such Place as such Resolution prohibits to be so used shall cease.

Penalty for Interment contrary to Act.

CI. That any Person who, contrary to this Act, buries, or permits or suffers to be buried, any Corpse or Coffin, or disturbs the same when deposited, as herein-before mentioned, shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

Power of Substitution.

CII. That in all Cases in which the Commissioners are of opinion that there is any Right or Claim as to Interment prohibited by this Act which should be compensated by means of Substitution of One Space of Ground for another Space of Ground, the Commissioners shall

shall have the Power to make such Substitution in the new Burial Ground towards the Western Extremity of the Town of *Cheltenham*, or in any Burial Ground which may be hereafter provided for the Parish; provided that no such Substitution of Space in any consecrated Ground shall be made for Space in unconsecrated Ground, nor shall any Substitution of consecrated Ground for consecrated Ground be made without the Consent of the Churchwardens of the Parish.

Power for the Commissioners to fill up Graves in disused Places of Interment.

CIII. That it shall be lawful for the Commissioners, at any Time or Times after the passing of this Act, with the Consent of the Churchwardens of the Parish, to take Order and Means to prevent the Escape of Gases from such of the Vaults or Brick Graves in the Churches or Churchyards of the Borough as from Time to Time can be no longer lawfully used for Interment under this Act, and to fill up with Earth, or arch over and cement, or in some other effectual Way seal up the same Vaults and Graves, and to level and improve the same Churchyards, using in all Cases proper Precautions not to disturb the Remains of Persons buried in the same Church or Churchyards, and restoring and replacing all Tomb and Grave Stones which shall be removed in the course of such Works or any of them; and the Commissioners shall defray the Expenses of all such Operations out of the Borough Rate.

Provision for new Cemetery when required.

CIV. That when it appears to the Commissioners, and the General Board of Health certifies, that the Cemetery or new Burial Ground at the Western Extremity of the Borough of *Cheltenham* is in or approaching to a State unfit or insufficient for the further Reception of Corpses or Coffins, it shall be lawful for the Commissioners, with the Concurrence of the General Board of Health, to purchase Land for the making a Cemetery or Cemeteries for the Parish, and such Purchase shall be One of the Purposes of this Act; and the Commissioners may, with the Concurrence of the General Board of Health, make Rules and Regulations in all respects as to the Establishment and Management of such Cemetery or Cemeteries, and Fees to be taken and Payments to arise therefrom; and from and after the same shall be made and established, any Person burying, or causing, permitting, or suffering to be buried, any Corpse or Coffin in any other Place in the Parish than the said Cemetery or Cemeteries (except in the Churches and Churchyards of *Saint Mary*, the *Holy Trinity*, and *Saint Peter* respectively, in manner and during the Time aforesaid, and except in any Family Vault now existing in the said new Burial Ground, in respect of Members of the same Family, and except in any Cemetery to be provided for Dissenters, as herein-after mentioned,) shall for every Offence be liable to a Penalty of Fifty Pounds, recoverable by any Person, with full Costs of Suit, by Action of Debt in any competent Court, with Power to the Judge of such Court, at

his Discretion, to mitigate such Penalty to any Sum not less than Twenty Pounds: Provided always, that such Land so to be purchased shall not be within Three hundred Yards of any Dwelling House, except with the Consent in Writing of the Owner, Lessee, and Occupier of such Dwelling House.

Sections 23 to 26 of 10 & 11 Vict. c. 65. incorporated with this Act;

CV. That in regard to the Cemetery so to be acquired the following several Provisions in the Cemeteries Clauses Act, 1847, shall be incorporated herewith:

The Section numbered 23 of the said Act:

Also the Section numbered 24 of the same Act:

Also the Section numbered 25 of the same Act:

Also the Section numbered 26 of the same Act:

The consecrated Part of the Cemetery, in whatever Parish the same shall be locally situate, shall for all Purposes of a Parochial Burial Ground be deemed to be situate in the Parish of *Cheltenham*, and to be the Burying Ground of the said Parish, and the Freehold thereof shall vest, after Consecration, in the Persons in whom the Freehold of the ancient Churchyard and new Parochial Burial Ground is vested, and such Persons shall have and may exercise the same Rights of granting Privileges of making and using Vaults and Graves and other Rights and Usages in such consecrated Part as they now have or may exercise in the new Parochial Burial Ground; and the Incumbent of *St. Mary Cheltenham*, and Churchwardens of the said Parish, and Parish Clerk and Sexton respectively, shall have and be entitled to the same Rights, Privileges, Fees, and Emoluments in the consecrated Part of such Cemetery as they now are entitled to by Prescription, Usage, or otherwise in the new Parochial Burial Ground; but all Payments made to the Churchwardens for Vaults and Graves in the consecrated Part of such Cemetery shall be accounted for and paid over to the Commissioners:

also Sections 51, 58, and 59 of the same Act;

Also the Section numbered 51 of the same Act:

Also the Section numbered 58 of the same Act:

Also the Section numbered 59 of the same Act:

Also the following Sections of the Cemeteries Clauses Act, 1847; but the same shall extend only to that Portion of the Cemetery which is not set apart for Burials according to the Rites of the Established Church:

also Sections 35 to 50 of the same Act

The Section numbered 35 of the said Act:

Also the Section numbered 36 of the same Act:

Also the Section numbered 37 of the same Act:

Also the Section numbered 38 of the same Act:

Also the Section numbered 39 of the same Act:

Also the Section numbered 40 of the same Act; and this Provision shall extend to the Substitution without Price of new Burying Space for Space in the old Burial Grounds not belonging

belonging to the Established Church, in Cases wherein the Commissioners are herein-before authorized to make such Substitution:

Also the Section numbered 41 of the same Act:
Also the Section numbered 42 of the same Act:
Also the Section numbered 43 of the same Act:
Also the Section numbered 44 of the same Act:
Also the Section numbered 45 of the same Act:
Also the Section numbered 46 of the same Act:
Also the Section numbered 47 of the same Act:
Also the Section numbered 48 of the same Act:
Also the Section numbered 49 of the same Act:
Also the Section numbered 50 of the same Act.

Application of Payments for Burials.

CVI. That all Payments made to the Commissioners in respect of Fees or otherwise arising from the Cemetery or Cemeteries so to be provided shall be appropriated towards the Cemetery Rate, if any such Rate be levied; and if the Amount of such Payments shall at any Time exceed what is required for the Purposes to which the Cemetery Rate is made applicable, such Excess, and, if no Cemetery Rate be levied, the whole of such Payments, shall fall into the Borough Fund herein-after mentioned, and be applicable as Part thereof.

Power for the Commissioners to accept Gifts of Land for Cemetery for Dissenters,

CVII. That it shall be lawful for the Commissioners from Time to Time, and at any Time or Times, without any Licence from the Crown, or suing out any Writ of Ad quod damnum, and notwithstanding the Statutes of Mortmain, to accept and take from any Person or Persons willing to give or convey the same, and to hold to them and their Successors, any Land not exceeding altogether Five Acres, and not being situate within such Distance as aforesaid of any Dwelling House, except with such Consent as herein-before mentioned, upon or for the Trust and Purpose of a Cemetery or Cemeteries for the Burial of the Bodies of Persons Members of any Congregation or Church of Dissenters from or Nonconformists to the Established Church in the Borough or Neighbourhood thereof, according to such Scheme and Regulations as shall be ordained or appointed upon any such Benefaction, and in default of such Scheme and Regulations, in the Manner directed in and by "The Cemeteries Clauses Act, 1847," with respect to the Portion of a Cemetery set apart as a Place of Burial for the Bodies of Persons not being Members of the Established Church: Provided always, that no Part of the Expense of acquiring any such Cemetery, or holding or managing the same, shall be defrayed out of any Rates levied by virtue of this Act, nor shall any Part of the Payments arising from such Cemetery go to any public Rate or Fund hereby created: Provided also, that after any such Cemetery is provided no Person shall bury or permit to be buried

but no Expense therefor to be thrown on Rates.

buried any Corpse or Coffin in the Yard or Ground attached or belonging to any Chapel or Place of Religious Meetings of such Dissenters or Nonconformists in the Parish, under the like Penalty, and with the like Power of Mitigation, as is herein-before provided in the Case of the Offence of burying in other than the future Cemetery, for every such Offence.

Any new Cemetery subject to future General Acts and to General Board of Health.

CVIII. That any Cemetery acquired under the Powers of this Act shall be subject to the Provisions of any General Act for the Regulation of Interments which may be passed in this or any subsequent Session of Parliament, and shall also, with reference to the sanitary Regulation thereof, be subject to any Orders which may be made by the General Board of Health with reference thereunto.

Saving Ecclesiastical Laws and Rights.

CIX. Provided always, That nothing in this Act contained, nor any Act, Matter, or Thing done by or under the Authority of the same, shall extend to invalidate or avoid any Law now in force for providing new or additional Parochial Burial Grounds, or any Ecclesiastical Law or Constitution of the Church of *England*, or any of the Powers of the Church Building Commissioners; and that the Bishop of the Diocese of *Gloucester* and *Bristol*, and any Archdeacon, Chancellor, or Official of the same Diocese, may respectively at all Times exercise such or the like Ecclesiastical Jurisdiction, Rights, and Privileges over and in respect to the consecrated Part of the said future Cemetery as they respectively may now exercise over or in respect to the said present new Parochial Burial Ground.

Rating.

And with respect to Rates and Funds, be it enacted,

Public Rating. Power to divide Borough into Districts.

CX. That the Commissioners may from Time to Time divide the Borough into Districts or Parts, for all or any or either of the Purposes of Drainage, cleansing, lighting, paving, watering, or Water Supply, under this Act, and make a separate Assessment upon any such District or Part for and in respect of the Purposes for which the same is formed; and every such District or Part, so far as relates to the Purposes for which such separate Assessment is made, shall be exempt from any other Assessment under this Act for the same Purposes; provided always, that if any Expenses are incurred or to be incurred in respect of Two or more Districts or Parts in common, the same shall be apportioned betwen them in a fair and equitable Manner; and the Commissioners may throw on the Borough Fund a Rate or Proportion of the Expenses of Works done in and for any District or Part of the Borough.

Rating Property of Gas Company to District Rates.

CXI. That where any Property of the *Cheltenham* Gaslight and Coke Company is situate partly within One of such Districts and partly within other of such Districts, but the whole of such Property is

is assessed in One Sum or Amount to the Rate for the Relief of the Poor, it shall not be lawful for the Commissioners to assess the whole of such Property to any separate Assessment upon any One District, but only such Part thereof and in such Proportion as the Portion of the Property situate in that District shall bear to the whole of such Property with reference to the rating to the Relief of the Poor.

Section 86 of 11 & 12 Vict. c. 63. incorporated with this Act.

CXII. That the Section Number 86 of "The Public Health Act, 1848," shall be incorporated with this Act; and such Section shall also be applicable to making, enlarging, altering, arching over, covering, or enclosing, and also to the purchasing or acquiring any Sewer: Provided that no Premises whilst and only so long as the same shall not be drained directly or indirectly into a Sewer of the Commissioners (or into a Sewer which the Commissioners are entitled to use) shall be liable to any special Rate for the purchasing, acquiring, making, enlarging, arching over, covering, enclosing, or repairing of any Sewer; and that no Premises drained into a private Sewer which the Commissioners shall have purchased or acquired or become entitled to use, and to the Use of which Sewer a perpetual Right is appurtenant to such Premises, shall be liable to be rated to any such special Rate as last aforesaid, except in respect of the necessary Reconstruction of such Sewer.

Rates for the new Main Sewers and Tanks, Purchase of Waterworks, Gasworks, Cemetery, Markets, Fairs, or Pleasure Ground.

CXIII. That, notwithstanding anything herein-before contained to the contrary, the Expenses of executing the Works of and incidental to the *Chelt* Main Sewer and Tank at the *Moor's Farm* aforesaid, the *Wyman's Brook* Main Sewer, and *Hatherley Brook* Sewer and Tank, herein-before authorized to be made, and in case the Commissioners should at any Time purchase or acquire the aforesaid Markets or Fairs, the Expenses of such Purchase or Acquisition, and other Expenses connected therewith, shall be defrayed by means of a special Rate upon the whole Borough; and it shall be lawful for the Commissioners, in case they should at any Time or Times purchase or acquire any Waterworks, or any Gasworks or other Works for public Lighting, or any Cemetery, or any Pleasure Ground, under the Powers of this Act, to make special Rates for the Purpose of defraying the Expenses of such Purchase or Acquisition, and other Expenses connected therewith respectively, upon the Borough or any District or Part thereof:

Redemption.

And such Part of the Section numbered 92 of the said Public Health Act as relates to the Redemption of special District Rates shall be incorporated herewith, and shall apply to all such special Rates as aforesaid, and shall enable any One Person chargeable with any such Rate separately to redeem his Part or Proportion thereof.

Borough Fund and Borough Rate charged with existing Annuities.

CXIV. That the Section numbered 87 of the said Public Health Act shall be incorporated herewith; and the Fund therein mentioned shall be called "the Borough Fund," and the Rate therein mentioned be called "the Borough Rate;" and upon the Borough Rate shall be charged all Annuities granted under and now due and owing by virtue of the Act hereby repealed, or the former Paving Acts therein and herein-before mentioned, or either of them:

Maximum of Borough Rate.

But the Amount of such Rate in any One Year shall not exceed the Sum of Two Shillings and Sixpence in the Pound on the rateable Value of the Land and Premises assessable thereto.

Sections 88, 89, 95, & 99 of 11 & 12 Vict. c. 63. incorporated with this Act.

CXV. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act:

The Section numbered 88 of the said Act, omitting the last Proviso therein; and Tithes, Tithe Rentcharges, and other Payments in lieu of Tithes, shall be assessed as and in the same Proportion of their annual Value as Land used as Arable, Meadow, or Pasture Ground only:

Power to Commissioners to abate Rate in certain Cases.

Provided always, that the Occupiers of Houses, Buildings, or Ground (other than Land assessable in the Proportion of One Fourth only of the net annual Value thereof as aforesaid) in any Part of the Borough, which Part is not lighted, paved, cleansed, flagged, repaired, watered, and scavenged by the Commissioners, shall be allowed such an Abatement from the Borough Rate in respect of any such lighting, paving, cleansing, flagging, repairing, watering, or scavengering not performed by the Commissioners as may be settled from Time to Time by the Commissioners:

Also the Section numbered 89 in the said Act:

Also the Section numbered 95 in the said Act:

Also the Section numbered 99 of the said Act:

And the Notice therein required of the Intention to make a Rate shall be in Writing or in Print, or partly in Writing and partly in Print, and be signed by the Commissioners Clerk or other Officer, and a Copy thereof shall be affixed on the Outside of the outer Door of the Commissioners Office Seven clear Days previously to the making of any Rate.

Highways to be maintained out of Borough Rate.

CXVI. That the Commissioners shall defray the Expenses of maintaining the Highways within the Borough out of "the Borough Rate."

Sections 90, 91, 92, 120, and 146 of 11 & 12 Vict. c. 63. incorporated with this Act.

CXVII. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act:

The Section numbered 90 in the said Act:

And in every such Rate may be included what the Commissioners deem a fair Equivalent for the Labour and Loss incident to the Collection

tion thereof; and Notice of such Rate shall be given to the Owner or Occupier of the Land or Tenement affected thereby, in manner herein provided for giving Notices to Owners or Occupiers:

Also the Section numbered 91 in the said Act:

Also so much of the Section numbered 92 in the said Act as relates to the Redemption of Private Improvement Rates:

Also the Section numbered 120 in the said Act; but no other Appeal from any Private Improvement Rate than to the General Board of Health shall be allowed:

Also the Section numbered 146 in the said Act.

Summary Recovery of Improvement Rate in certain Cases.

CXVIII. That whenever any Premises in respect of which any Expenses authorized to be paid by an Improvement Rate have been incurred are wholly or partly destroyed, pulled down, or suffered to fall into Decay, or lie unoccupied for more than Twelve successive Months, or are subdivided, or have their Boundaries altered, and whenever, for any other Cause, it appears to the Commissioners that the Recovery of such Expenses by an Improvement Rate may be impracticable, or practicable only at an undue Cost, or with undue Difficulty or Delay, then and in any such Case the Commissioners may order that such Expenses as remain unpaid, or such Part thereof as they think fit, shall be paid, with Interest and Costs, by the Owner for the Time being of such Premises or the Site thereof, on Demand, or at such Time and by such Instalments as the Commissioners appoint, and the same shall be recoverable from such Owner in a summary Manner.

Sections 93 & 94 of 11 & 12 Vict. c. 63. incorporated with this Act; Also Sections 96, 97, 98, 100 to 104, and 106 of the same Act.

CXIX. That the Sections numbered 93 and 94 of "The Public Health Act" shall be incorporated with this Act.

CXX. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act:

The Section numbered 96 in the said Act:

Also the Section numbered 97 in the said Act:

Also the Section numbered 98 in the said Act:

Also the Section numbered 100 in the said Act:

Also the Section numbered 101 in the said Act:

Also the Section numbered 102 in the said Act:

Also the Section numbered 103 in the said Act (except as regards Publication of any Water Rate or Private Improvement Rate, which Publication shall not be necessary); and any Rate under this Act may also be recovered by Plaint or Action of Debt:

Also the Section numbered 104 in the said Act:

Also the Section numbered 106 in the said Act.

CXXI. That

Provisions of 12 & 13 Vict. c. 14. to apply to Rates levied under this Act.

CXXI. That the Provisions of an Act passed in the Twelfth and Thirteenth Year of the present Reign, intituled *An Act to enable Overseers of the Poor and Surveyors of the Highways to recover the Costs of distraining for Rates*, shall apply to Rates levied under this Act; and the Warrants and Summons in the said Act may be directed to and served by any Officer of the Commissioners.

Mortgages.

And with respect to the Mortgages to be executed upon the Credit of any Rate under this Act, be it enacted,

Sections 107 to 114 & 119 of 11 & 12 Vict. c. 63. incorporated with this Act.

CXXII. That the following Sections of the Public Health Act, 1848, shall be incorporated with this Act:

The Section numbered 107 in the said Act:

Also the Section numbered 108 of the same Act:

Also the Sections numbered 109 and 110 of the same Act:

Also the Section numbered 111 of the same Act:

Also the Section numbered 112 of the same Act:

Also the Section numbered 113 of the same Act:

Also the Section numbered 114 of the same Act:

Also the Section numbered 119 of the same Act.

Accounts.

And with respect to Accounts to be kept by the Commissioners, be it enacted,

Account Books of Income and Expenditure.

CXXIII. That the Commissioners shall cause Books to be provided and kept, and full and correct Accounts to be entered therein, of all Rates and other Monies levied, received, and recovered by the Commissioners, and of the Application thereof, distinguishing the Times and Purposes when and for which Monies were received and paid, and the respective Districts or Places in and for which Monies were collected and expended; and the Commissioners, and the Ratepayers, and every Creditor on the Rates, may at all reasonable Times inspect and take Copies of or Extracts from such Books, without Fee or Reward; and any Clerk or other Person having the Custody of such Books who, on any reasonable Demand of any such Commissioner, Ratepayer, or Creditor as aforesaid, doth not permit him to inspect such Books, or to take such Copies or Extracts as aforesaid, shall be liable to a Penalty not exceeding Five Pounds for every such Offence.

Open to Inspection.

Annual Account.

CXXIV. That the Commissioners shall in the Month of *October* in every Year cause their Accounts to be balanced up to the Thirtieth Day of the preceding *September*, and the Commissioners shall cause a full Statement and Account to be drawn out of the Amount of all Contracts entered into and of all Monies received and expended

expended by virtue of this Act during such preceding Year, under proper and distinct Heads of Receipts and Expenditure, and also of all Arrears of Rates and other Monies then owing to the Commissioners, and of all Mortgages and other Debts then owing by the Commissioners; and such Statement shall be produced at the Annual Meeting of the Commissioners and there examined, and when settled shall be certified by the Signature of the Chairman and Commissioners Clerk. Settlement.

CXXV. That the Section numbered 122 of the Public Health Act shall be incorporated with this Act. Auditor, and Publication of Accounts.

And with respect to Arbitration under this Act, be it enacted, *Arbitration.*

CXXVI. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act: Sections 123 to 128 of 11 & 12 Vict. c. 63. incorporated with this Act;

The Section numbered 123 of the said Act:
Also the Section numbered 124 of the said Act:
Also the Section numbered 125 of the said Act:
Also the Section numbered 126 of the said Act:
Also the Section numbered 127 of the said Act:
Also the Section numbered 128 of the said Act.

And with respect to the Recovery of Damages and of Penalties not specially provided for, and to the Determination of any Matter referred to Justices of the Peace, be it enacted, *Summary Procedure.*

CXXVII. That the following Sections of "The Public Health Act, 1848," shall be incorporated with this Act: also Sections 129 to 134 of the same Act.

The Section numbered 129 of the said Act:
Also the Section numbered 130 of the same Act:
Also the Section numbered 131 of the same Act:
Also the Section numbered 132 of the said Act:

And no Justice of the Peace shall be disqualified from acting as such in the Execution of this Act by reason of his being a Commissioner or being liable to the Payment of any Rate under this Act:

Also the Section numbered 133 of the said Act:
Also the Section numbered 134 of the same Act.

CXXVIII. That the Provision in an Act passed in the Eleventh and Twelfth Year of the Reign of Queen *Victoria*, intituled *An Act to protect Justices of the Peace from vexatious Actions for Acts done by them in the Execution of their Offices*, contained, for restraining Actions against Justices for enforcing Poor Rates, shall apply to any Rate made under this Act for Payment whereof a Warrant of Distress shall issue against any Person named and rated therein. Certain Provisions of 11 & 12 Vict. c. 44. extended to this Act.

Appeal.

And with respect to Appeals from Rates and Proceedings under this Act, be it enacted,

Sections 135, 136, and 137 of 11 & 12 Vict. c. 63. incorporated with this Act;

CXXIX. That the following Sections of "The Public Health Act, 1848," shall be incorporated herewith:

The Section numbered 135 of the same Act, as to Appeals against public Rates, Orders, and Convictions, Judgments, or Determinations of any Justice or Justices:

Also the Section numbered 136 of the said Act:

Also the Section numbered 137 of the same Act.

Notices.

also Sections 150 & 148 of the same Act.

CXXX. And with respect to Notices to Owners and Occupiers, and the Execution of Works by Owners, be it enacted, That the following Provisions of "The Public Health Act, 1848," shall be incorporated with this Act:

So much of the Section numbered 150 of the said Act as relates to the said Matters; and Service of Notice upon the known Agent of any Owner shall be sufficient under this Act:

Also so much of the Section numbered 148 of the said Act as relates to Occupiers obstructing Owners from doing Works, or not giving the Names of Owners.

Forms.

Forms in Schedule may be used.

CXXXI. And be it enacted, That the several Forms in the Schedule (D.) to this Act annexed, or Forms to the like Effect, with such Alterations and Additions (if any) as Circumstances require, may be used for any of the Purposes of this Act for which such Forms are applicable, and such Forms shall accordingly be to all Intents sufficient for such Purposes, and it shall not be necessary for any of such Purposes to use any other Form.

Section 147 of 11 & 12 Vict. c. 63. incorporated with this Act.

CXXXII. And be it enacted, That the Section numbered 147 of "The Public Health Act, 1848," shall be incorporated with this Act.

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

CXXXIII. And be it 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 Lord of the Manor of *Cheltenham* aforesaid, or Owner of the Fairs and Markets within the said Town, except as expressly appears by this Act, 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.

CXXXIV. And

Compensation for sewering into the Brooks.

CXXXIV. And be it enacted, That the Power of making Compensation for Damages herein-before contained shall extend to authorize the Commissioners to give full Compensation to the Owners and Occupiers of any Lands, whether situate in the Borough or elsewhere, for any Damage or Injury sustained by them respectively by reason of the Sewers or Drains in the Borough which now open into either of the said Brooks continuing so to discharge their Contents thereinto, until the Main Sewers and Tanks authorized to be made by this Act shall be completed: Provided always, that if the Commissioners shall refuse or neglect to admit the Claim of any such Owner or Occupier to Compensation for any Damage or Injury alleged to be sustained by him from the Cause aforesaid, and such Owner or Occupier shall bring or institute any Action or Proceeding to try the Question of such his Right against any Person whom he shall deem liable in Law to answer in Damages for any such alleged Injury thereto, the Commissioners may, if they shall so think fit, at the Request of the Person against whom any such Action or Proceeding shall be brought or instituted, defend the same in his Name, or compromise, adjust by Arbitration, or otherwise settle any such Action or Proceeding, upon such Terms and in such Manner as they may think reasonable; and any Sum or Sums of Money which the Commissioners shall disburse or incur in or about the Payment of any such Compensation, or the Trial or Settlement of any such Claim, and all Damages, Costs, Charges, and Expenses incident thereto respectively, shall be defrayed by means of a Rate or Rates in nature of a District Rate to be from Time to Time levied by the Commissioners upon the Owners and Occupiers of Houses and Premises contributing to the Sewerage or Drainage by which the Injury or Damage or alleged Injury or Damage is occasioned as aforesaid, or such of them as in the Judgment of the Commissioners would be liable in Law to answer for the same.

Power to try Question of Right.

Expenses to be levied on Districts.

Sects. 154 and 155 of 10 & 11 Vict. c. 34. incorporated with this Act.

CXXXV. And be it enacted, That the Section numbered 154 of "The Towns Improvement Clauses Act, 1847," shall be incorporated herewith:

Also the Section numbered 155 of the same Act.

Expenses of Act.

CXXXVI. And be it enacted, That all the Expenses of obtaining this Act and incident thereto shall be paid by the Commissioners, and shall be charged to the Borough Rate.

The

The SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

Wards in the Borough, and Names of First Commissioners.

1. *East Ward*

Is included within the following Boundaries; that is to say, bounded on the South by a Line running from the Point where Pittville Street meets High Street; Eastward along High Street to the Boundary of the said Parish; bounded on the West by a Line running from the Point where Pittville Street meets High Street; Northward along Pittville Street, thence along Portland Street, and thence along the Cleeve and Evesham Road to the Boundary of the said Parish; and further by a Line running along the Boundary of the Parish from the Eastern Extremity of the above defined Southern Boundary Line to the Northern Extremity of the above defined Western Boundary Line.

First Commissioners:—Charles Lloyd Harford, Stephen Edward Comyn, Thomas Sheldon, James Humphris (Builder), William Hollis (Gunsmith), and William Buckle.

2. *North Ward*

Is included within the following Boundaries; that is to say, bounded on the South by a Line running from the Point where Pittville Street meets High Street; Westward along High Street, and thence along the Tewkesbury Road to the Boundary of the said Parish; and bounded on the East by the Western Boundary Line of the East Ward; and further bounded by a Line running along the Boundary of the said Parish from the Western Extremity of the above defined Southern Boundary Line to the Northern Extremity of the above defined Eastern Boundary Line.

First Commissioners:—John Brend Winterbotham, John Yearsley, Samuel Shedden, George James Engall, James Leighton, and Richard Hulbert.

3. *West Ward*

Is included within the following Boundaries; that is to say, bounded on the North by a Line running from the Point where Saint George's Place meets High Street; Westward along High Street, thence along the Tewkesbury Road to the Boundary of the Parish; and bounded on the East by a Line running from a Point where Saint George's Place meets High Street; Southward along Saint George's Place, thence along Saint George's Parade, thence along Bays Hill Road to the Point where that Road meets Queen's Parade to the Point where the same meets Old Well Lane; thence Northward along Old Well Lane to the Point where the same meets Lansdown or New Gloucester Road; thence South-westward along the Lansdown or New Gloucester Road, thence along Old Gloucester Road to the Boundary of the said Parish; and further bounded by a Line running along the Boundary of the said Parish from the Western Extremity

Extremity of the above defined Northern Boundary Line to the South-western Extremity of the above defined Eastern Boundary Line.

FIRST COMMISSIONERS:—William Nash Skillicorne, James Agg Gardner, James Fallon, Robert Burland Hudleston, John Bubb (Solicitor), and George Rowe.

4. *Middle Ward*

Is included within the following Boundaries; that is to say, bounded on the North by a Line running from the Point where Rodney Terrace meets High Street, Westward along High Street to the Point where the same meets Saint George's Place; and bounded on the West by the Eastern Boundary Line of the West Ward; and bounded on the East by a Line running from the Point where Rodney Terrace meets High Street, Southward along Rodney Terrace; thence along Trafalgar Lane to the Point where Trafalgar Lane meets Montpellier Spa Buildings Road; thence Eastward along Montpellier Spa Buildings Road to the Point where the same meets Montpellier Parade; thence Southward along Montpellier Parade to the Point where the same meets Montpellier Terrace; thence Westward along Montpellier Terrace to the Point where the same meets Suffolk Parade; thence Southward along Suffolk Parade; thence along Great Norwood Street to the Boundary of the Parish; and further bounded by a Line running along the Boundary of the said Parish from the South-western Extremity of the defined Western Boundary Line to the Southern Extremity of the above defined Eastern Boundary Line.

FIRST COMMISSIONERS:—William Henry Henney, Edward Warner Shewell, William Ridler, William Hasell, Henry Davies, and James Webster of Hatherley Court.

5. *South Ward*

Is included within the following Boundaries; that is to say, bounded on the North by a Line running from the Point where Rodney Terrace meets High Street, Eastward along High Street to the Boundary of the said Parish; and bounded on the West by the Eastern Boundary Line of the Middle Ward; and further bounded by a Line running along the Boundary of the said Parish from the Western Extremity of the above defined Northern Boundary Line to the Southern Extremity of the above defined Western Boundary Line.

FIRST COMMISSIONERS:—Robert Sole Lingwood, Baynham Jones (junior), John Beckingsale, George Schonswar (junior), Frederick Monro, and Charles Paul.

SCHEDULE B.

No. I.

Voting Paper

Referred to in Section 12 of this Act is that in Schedule A. to Commissioners Clauses Act, 1847.

No. II.

Appointment of Proxy.

Cheltenham Improvement Act, 1852.

Borough of Cheltenham Ward.

I, the undersigned, being entitled to vote as Owner [*or, in the Case of a Female Occupier, say*, being a Female, and entitled to vote as Occupier,] for Improvement Commissioners for this Ward in respect of the Property [*here describe the Property*]

Schedule B. No. 2. Borough of Cheltenham Ward.

Property] do authorize to vote for me as my Proxy at the Election of Commissioners to be had on the Day of next.

Signed by me, this Day of .

No. III.

Declaration of Signature of Proxy Appointment.

Schedule B No. 3.

I of do solemnly and sincerely declare, That the Instrument purporting to be an Appointment by me of Proxy to vote for Improvement Commissioners for the Borough of Cheltenham hereunto annexed was signed by me on the Day of being the Day of the Date thereof; and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act made and passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled "An Act to repeal an Act of the present "Session of Parliament, intituled 'An Act for the more effectual Abolition of "'Oaths and Affirmations taken and made in various Departments of the "'State, and to substitute Declarations in lieu thereof, and for the more entire "'Suppression of voluntary and extra-judicial Oaths and Affidavits;' and to "make other Provisions in lieu thereof."

Taken and made before me, One of Her Majesty's Justices of the Peace in and for the County of at therein, this Day of 18 .

SCHEDULE C.

Tables of Tolls of Markets and Fairs;

Showing the several Tolls, Duties, Rents, and Stallage payable in the Markets if purchased by the Commissioners.

In the Beast Market.

	s.	*d.*
For every Horse, Mare, or Gelding bought or exposed to Sale -	0	4
For every Colt, Filly, or Foal - - - -	0	2
For every Bull, Steer, Cow, or Heifer - - - -	0	3
For every Calf - - - - - -	0	1
For every Mule or Ass - - - -	0	1
For every Sheep or Lamb - - - - -	0	1
For every Swine or Hog - - - - -	0	1
For every Sucking Pig - - - - -	0	0½
And the following additional Tolls to be paid by the Buyers:—		
For every Horse, Mare, or Gelding sold and entered in the Toll Book, an additional Toll on such Entry, to be paid by the Buyer, of -	0	4
For every Horse, Mare, or Gelding sold and not entered in the Toll Book - - - - - -	0	2
For every Colt, Filly, or Foal - - - - -	0	1
For every Bull, Steer, Cow, Heifer, or other such Cattle - -	0	2
For every Sheep or Lamb - - - - -	0	0½
For every Swine or Hog, except Sucking Pigs - - -	0	0½

	s.	d.
In the Hay Market.		
For every Waggon Load of Hay, Straw, or Fodder brought or exposed to Sale - - - - - - -	0	8
For every Cart Load of Hay, Straw, or Fodder - - -	0	4
In the other Markets.		
From the Occupiers of each Butcher's Stall, according to the Size and Dimensions of the same; viz. for each Superficial Square Foot thereof:—		
If the Hall and Passage in front thereof be covered over from the Weather,—		
If taken by the Year, not exceeding the Sum of - - -	6	8
By the Half Year, not exceeding the Sum of - - -	3	4
By the Quarter, not exceeding the Sum of - - -	1	8
If otherwise taken or occupied, for each Market Day or other Day in the Week - - - - - -	0	1¾
If the Stall and Passage in front thereof be not covered over as above,—		
If taken by the Year, not exceeding the Sum of - -	6	0
By the Half Year, not exceeding - - - -	3	0
By the Quarter, not exceeding - - - -	1	6
If otherwise taken or occupied, for each Market Day or other Day in the Week - - - - -	0	1½
From the Occupier of each Stand for Vegetables raised above the Ground, with progressive Steps or Benches, according to the Size and Dimensions of the same; viz. for each Superficial Square Foot thereof, if the Stand or Passage in front be covered in from the Weather,—		
If taken by the Year, not exceeding - - - -	5	0
By the Half Year, not exceeding - - - -	2	6
By the Quarter, not exceeding - - - -	1	3
If otherwise taken, for every Market Day or other Day in the Week, not exceeding - - - - -	5	0
If the Stand and Passage in front be not covered over as above,—		
If taken by the Year, not exceeding - - - -	4	0
By the Half Year, not exceeding - - - -	2	0
By the Quarter, not exceeding - - - -	1	0
If otherwise taken or occupied, for each Market Day or other Day in the Week - - - - - - -	0	1
From the Occupier of each other Stand or Bench, according to the Size and Dimensions of the same; viz. for each Superficial Square Foot thereof,—		
If the Stand or Bench, and the Passage in front thereof, be covered over from the Weather,—		
If taken by the Year, not exceeding - - - -	5	0
By the Half Year, not exceeding - - - -	2	6
By the Quarter, not exceeding - - - -	1	3
If otherwise taken, for each Market Day or other Day in the Week, not exceeding - - - - -	0	1½

	s.	d.
If the Stand or Bench, and the Passage in front thereof, be not covered over as above,—		
If taken by the Year, not exceeding	4	0
By the Half Year, not exceeding	2	0
By the Quarter, not exceeding	1	0
If otherwise taken, for each Market Day or other Day in the Week, not exceeding	0	1
From the Occupier of each Compartment or Space on the Surface of the Ground, according to the Size and Dimensions of the same; viz. for each Superficial Square Foot thereof,—		
If the Compartment or Space, and the Passage adjoining the same, be covered over from the Weather,—		
If taken by the Year, not exceeding	3	10
By the Half Year, not exceeding	1	11
By the Quarter, not exceeding	0	11½
If otherwise taken, for each Market Day or other Day in the Week, not exceeding	0	0¾
From every other Person exposing any Article, Matter, or Thing for Sale in the said Markets, and not occupying any Stall, Stand, or Bench, nor any defined Compartment or Space on the Surface of the Ground,—		
If the Spot where such Person shall stand be covered over from the Weather,—		
For every Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing not containing more than One Bushel, not exceeding	0	1¾
For every additional Half Bushel	0	0¾
If the Spot be not covered over as above,—		
For every Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing not containing more than One Bushel	0	1
For every additional Bushel	0	0½

The above-mentioned Tolls and Stallage in the said Markets and Fairs to be paid and payable in respect of the Occupation of any Stall, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof for a Part or Portion of the Day or Space of Time as by any subsequent Taker or Occupier of the same for any other Part or Portion of the Day or Space of Time.

SCHEDULE D.

Form of Notice of Intention to make a Public Rate.

Cheltenham Improvement Act, 1852.

Take notice, That the Commissioners intend, at a Meeting to be held on the Day of to make a Borough Rate [*or otherwise, as the Case may be,*] for [the Sewerage and Paving of, &c. *generally stating the Purpose and the District*], of

in

in the Pound on the rateable Value of all the Property assessable thereto, and that the Statement of the proposed Rate is deposited at
in .

Dated this Day of .

Commissioners Clerk.

Form of Public Rate.

Cheltenham Improvement Act, 1852.

A Borough Rate on Cheltenham Parish [*or* a District Sewer Rate on, *&c. as the Case may be*], made this Day of .

No.	Surname and Christian Name of Owner.	Surname and Christian Name of Occupier.	Description of Property rated.	Name or Situation of Property.	Gross estimated Rental.	Rateable Value.	Rate at in the Pound.

Common Seal of the Commissioners.

A.B. } Two of the Cheltenham Improvement
C.D. } Commissioners.

Form of Publication of Rate.

Cheltenham Improvement Act, 1852.

Take notice, That the Commissioners have this Day made a [ ] Rate of in the Pound on all the rateable Property in [Cheltenham].

Dated this Day of .

Commissioners Clerk.

Form of Notice of Amendment of Rate by Increase, or inserting a new Name.

Cheltenham Improvement Act, 1852.

Take notice, That the [*the District*] Rate in made on the Day of has been amended by increasing the Amount of your Rate from £ to £ , *or* by inserting your Name therein as rated at £ .

Dated this Day of .

To *A.B., &c.*

Commissioners Clerk.

The Cheltenham Improvement Act, 1852.

Form of Improvement Rate.

Cheltenham Improvement Act, 1852.

A Private Improvement Rate on [each of] the under-mentioned Premises for Private Improvement, Expenses, Interest, and Expenses of Collection, duly made this Day of

Name of Owner.	Name of Occupier.	Description of Premises.	Situation of Premises.	Nature of Improvement.	Yearly Amount to be paid.	Periods for Payments.
					£ s. d.	
		House	No. Street	Filling up Cesspools and making Drains.		March in every Year from to both inclusive.
				Making Water-closets and Drains.		May every Year from to both inclusive.

Common Seal of the Commissioners.

A. B. } Two of the Cheltenham Improvement
C. D. } Commissioners.

The Premises may be described by Reference to the Commissioners Map, or by Plan annexed, or otherwise.

Form of Warrant of Distress.

Cheltenham Improvement Act, 1852.

To the Chief Constable and other the Constables of the County of Gloucester, and the Collectors of any of the Rates for any of the Purposes of the above Act [*or otherwise*]:—

Gloucestershire to wit.—You, every or any of you, are in Her Majesty's Name commanded to levy from *A.B.* [*or A.B., C.D.*, and] the Sum of £ [*or* the several Sums respectively set opposite to their Names in the Margin] by Distress and Sale of his [*or* their respective] Goods and Chattels; and if within the Space of Six Days after the making of any such Distress the said Sum distrained for, together with the reasonable Costs of taking and keeping the said Distress, shall not be paid, then that you sell the said Goods distrained of the Defaulter, and out of the Proceeds pay to the Treasurer of the Cheltenham Improvement Commissioners the said Sum distrained for, and retain your reasonable Charges of taking, keeping, and selling such Distress, rendering to the Defaulter the Overplus (if any), on Demand; and if sufficient Distress cannot be found of the Goods and Chattels of such Defaulter, you are to certify the same to me, with this Warrant, that further Proceedings may be had therein as the Law directs.

The said Sum *or* Sums being due from the said above-named Person [*or* Persons] to the Cheltenham Improvement Commissioners in respect [*here state generally on what Account the Sum is due, or several Sums are due, as, for instance,* the

the repairing by the Commissioners of the dangerous Premises, No. Street in Cheltenham, of which the said "*A.B.* is the Owner," *and for further instance*, the Amount duly assessed on him by a Borough Rate bearing Date on or about the Day of [*or otherwise, as the Case may be,*] and for Costs incurred by his [*or* their] Default on Nonpayment of the said Debt.

Given under my Hand and Seal, this Day of

N.O., Justice of the Peace for, *&c.*

SCHEDULE E.

The Forms referred to in Sections 120, 122, 127, and 130 of this Act are those contained in the Schedules to the Public Health Act, 1848, hereunder specified:—

Form of Conviction.

Schedule (E.) to the Public Health Act, 1848.

Form of Distress Warrant against single Defaulters.

Schedule (D.) to Public Health Act, 1848.

Form of Order on Occupier to permit Execution of Works by Owner.

Schedule (F.) to Public Health Act, 1848.

Form of Mortgage.

Schedule (B.) to Public Health Act, 1848.

Form of Transfer of Mortgage.

Schedule (C.) to Public Health Act, 1848.

SCHEDULE F.

List of Streets dedicated to the Public on, over, near, or leading to the Montpellier and Lansdowne Estates.

Montpellier Terrace Road, from the Bath Road to the New Painswick Road.
Roads leading out of Montpellier Terrace to Suffolk Square.
Montpellier Parade and its Continuation alongside Vittoria Walk.
Road in front of Montpellier Spa Place and Montpellier Spa Buildings, and thence to the Bath Road.
Montpellier Avenue.
Road leading from thence in front of the Montpellier Pumproom to Montpellier Terrace Road.
Lansdowne Crescent Road, and Road at the Back of such Crescent and at the Back of Lansdowne Place.
Road communicating between Lansdowne Place and Lansdowne Crescent.
Lansdowne Terrace Road and Back Road to such Terrace.
Road in continuation of Lansdowne Terrace as far as Christ Church.

Malvern Place Road and its Continuation in front of Lansdowne Parade to the Gloucester Road.

Douro Villas Road and its Continuation in front of Northwich Place up to the Christ Church Road, and Back Road to the same.

Road in front of Tivoli Place.

Tivoli Street, Lypiatt Street, and Hatherley Street, and Road communicating between such Streets.

Hatherley Place Road as far as Houses are built on its Side, and Back Road to the same.

All the Footpaths adjacent to the before-mentioned Roads, except that called the Montpellier Promenade.

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